



1996

# ***Illinois Register***

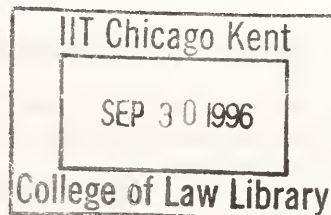
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## **Rules of Governmental Agencies**

Volume 20, Issue 39 — September 27, 1996

Pages 12678 - 12831

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Index Department  
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April 19, 1996 - Issue 16: Through	March 31, 1996
July 19, 1996 - Issue 29: Through	June 30, 1996
October 18, 1996 - Issue 42: Through	September 30, 1996
January 17, 1997 - Issue 3: Through	December 31, 1996 (Annual)

## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996	June 25, 1996	July 2, 1996	28	July 12, 1996
Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996	July 2, 1996	July 9, 1996	29	July 19, 1996
Jan. 2, 1996	Jan. 9, 1996	3	Jan. 19, 1996	July 9, 1996	July 16, 1996	30	July 26, 1996
Jan. 9, 1996	Jan. 16, 1996	4	Jan. 26, 1996	July 16, 1996	July 23, 1996	31	Aug. 2, 1996
Jan. 16, 1996	Jan. 23, 1996	5	Feb. 2, 1996	July 23, 1996	July 30, 1996	32	Aug. 9, 1996
Jan. 23, 1996	Jan. 30, 1996	6	Feb. 9, 1996	July 30, 1996	Aug. 6, 1996	33	Aug. 16, 1996
Jan. 30, 1996	Feb. 6, 1996	7	Feb. 16, 1996	Aug. 6, 1996	Aug. 13, 1996	34	Aug. 23, 1996
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Feb. 13, 1996	Feb. 20, 1996	9	Mar. 1, 1996	Aug. 20, 1996	Aug. 27, 1996	36	Sept. 6, 1996
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Feb. 27, 1996	Mar. 5, 1996	11	Mar. 15, 1996	Sept. 3, 1996	Sept. 10, 1996	38	Sept. 20, 1996
Mar. 5, 1996	Mar. 12, 1996	12	Mar. 22, 1996	Sept. 10, 1996	Sept. 17, 1996	39	Sept. 27, 1996
Mar. 12, 1996	Mar. 19, 1996	13	Mar. 29, 1996	Sept. 17, 1996	Sept. 24, 1996	40	Oct. 4, 1996
Mar. 19, 1996	Mar. 26, 1996	14	Apr. 5, 1996	Sept. 24, 1996	Oct. 1, 1996	41	Oct. 11, 1996
Mar. 26, 1996	Apr. 2, 1996	15	Apr. 12, 1996	Oct. 1, 1996	Oct. 8, 1996	42	Oct. 18, 1996
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Apr. 16, 1996	Apr. 23, 1996	18	May 3, 1996	Oct. 22, 1996	Oct. 29, 1996	45	Nov. 8, 1996
Apr. 23, 1996	Apr. 30, 1996	19	May 10, 1996	Oct. 29, 1996	Nov. 4, 1996 (Mon.)	46	Nov. 15, 1996
Apr. 30, 1996	May 7, 1996	20	May 17, 1996	Nov. 4, 1996	Nov. 12, 1996	47	Nov. 22, 1996
May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
May 14, 1996	May 21, 1996	22	May 31, 1996	Nov. 19, 1996	Nov. 26, 1996	49	Dec. 6, 1996
May 21, 1996	May 28, 1996	23	June 7, 1996	Nov. 26, 1996	Dec. 3, 1996	50	Dec. 13, 1996
May 28, 1996	June 4, 1996	24	June 14, 1996	Dec. 3, 1996	Dec. 10, 1996	51	Dec. 20, 1996
June 4, 1996	June 11, 1996	25	June 21, 1996	Dec. 10, 1996	Dec. 17, 1996	52	Dec. 27, 1996
June 11, 1996	June 18, 1996	26	June 28, 1996	Dec. 17, 1996	Dec. 23, 1996 (Mon.)	1	Jan. 3, 1997
June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: State of Illinois Dependent Care Assistance Plan

2) Code Citation: 80 Ill. Adm. Code 2110

3) Section number: Proposed Action:  
2110.510 Amend

4) Statutory Authority: Implementing Sections 125 and 129(d) of the Internal Revenue Code (26 U.S.C. 125 and 129(d)), Section 64.2 of the Civil Administrative Code of Illinois (20 ILCS 405/64.2), Section 30c of the State Finance Act (30 ILCS 105/30c), and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 (5 ILCS 375/3 and 9) and authorized by Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).

5) A Complete Description of the Subjects and Issues Involved: The Department will no longer accept canceled checks as proof for dependent care expenses.

6) Will this proposed amendment replace an emergency rule currently in effect? NO

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield, IL 62706  
217/782-9669

12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for the rulemaking did not come to the Department's attention until after the agenda was filed.

The full text of the Proposed Amendments begins on the next page.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE BENEFITS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2110

STATE OF ILLINOIS DEPENDENT CARE ASSISTANCE PLAN

SUBPART A: INTRODUCTION AND DEFINITIONS

Section

2110.10 Summary and Purpose of Plan

2110.20 Plan Number

2110.30 Definitions

SUBPART B: ADMINISTRATION

Section

2110.110 Role of the Department

2110.120 Expenses of Administration

SUBPART C: PARTICIPATION

Section

2110.210 Date of Participation

2110.220 Insufficient Salary

2110.230 Errors

2110.240 Reinstatement of Former Participant (Repealed)

SUBPART D: ELECTION TO RECEIVE DEPENDENT CARE ASSISTANCE

Section

2110.310 Election procedure

2110.320 Irrevocability of Election

2110.330 Maximum Dependent Care Assistance

2110.340 Minimum Dependent Care Assistance

SUBPART E: DEPENDENT CARE ASSISTANCE ACCOUNTS

Section

2110.410 Establishment of Accounts

2110.420 Crediting of Accounts

2110.430 Debiting of Accounts

2110.440 Forfeiture of Accounts

SUBPART F: PAYMENT OF DEPENDENT CARE ASSISTANCE ACCOUNTS

Section

2110.510 Claims for Reimbursement

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

2110.520 Reimbursement of Participant  
 2110.530 Exclusions  
 2110.540 Statements

## SUBPART G: TERMINATION OF PARTICIPATION

Section  
 2110.610 Termination or Death of Participant  
 2110.620 Fraud

## SUBPART H: MISCELLANEOUS

Section  
 2110.710 Non-discrimination  
 2110.720 Illegality of a Particular Provision  
 2110.730 Applicable Law  
 2110.740 Rights Against the Employer  
 2110.750 Effect on Pension  
 2110.760 Effect on Social Security  
 2110.770 Benefits Solely From General Assets  
 2110.780 Nonassignability of Rights  
 2110.790 Tax Consequences  
 2110.800 Indemnification of State by Participants  
 2110.810 Right to Amend and Terminate Reserved

**AUTHORITY:** Implementing Sections 125 and 129(d) of the Internal Revenue Code (26 U.S.C. 125 and 129(d)), Section 64.2 of the Civil Administrative Code of Illinois [20 ILCS 405/64.2], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 373/3 and 9] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

**SOURCE:** Emergency rules adopted at 10 Ill. Reg. 20248, effective December 1, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 9477, effective April 30, 1987; emergency amendments at 12 Ill. Reg. 11795, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17283, effective October 14, 1988; emergency amendments at 13 Ill. Reg. 214, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 9259, effective May 31, 1989; amended at 16 Ill. Reg. 13801, effective August 28, 1992; amended at 19 Ill. Reg. 8590, effective June 14, 1995; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART F: PAYMENT OF DEPENDENT CARE ASSISTANCE ACCOUNTS

## Section 2110.510 Claims for Reimbursement

- a) A Participant who has enrolled for a Plan Year may apply to the Department for Reimbursement of Dependent Care Expenses incurred by

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

the Participant between July 1 and June 30. Dependent Care Expenses are treated as incurred when the dependent care is provided and not when the Participant is billed or charged, or pays for the dependent care.

- b) New Employees may apply for Reimbursement of Dependent Care Expenses incurred between the first day of the Pay Period deductions begin in accordance with Section 2110.210 of this Part and June 30.  
 c) Participants who revoke participation in accordance with Section 2110.320 of this Part before the end of the Plan Year may apply for Reimbursement of Dependent Care Expenses incurred between July 1 and the last day of the Pay Period there was a deduction.

- d) The Participant may apply by submitting an application in writing to the Department on a Claim form provided by the Department setting forth:

- 1) the amount, beginning and ending service date and nature of the expense with respect to which a benefit is requested;
- 2) the name, address, and tax identification number or social security number of the Dependent Care Service Provider, unless the provider is a tax exempt organization in which case only the name and address must be provided; and
- 3) bills, invoices, receipts, ~~cancelled checks~~ or other statements showing the amounts of such expenses.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: State of Illinois Medical Care Assistance Plan
- 2) Code Citation: 80 Ill. Adm. Code 2120
- 3) Section number: Proposed Action:  
2120.440 Amendment  
2120.760 Amendment
- 4) Statutory Authority: Implementing Sections 105(h), 125 and 213(d) of the Internal Revenue Code (26 U.S.C. 105(h), 125, and 213(d)), Section 64.2 of the Civil Administrative Code of Illinois [20 ILCS 405/64.2], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].
- 5) A Complete Description of the Subjects and Issues Involved: Participants are required to submit claims for reimbursement on or before September 30. Previously participants had up to six months after the expiration of the Plan Year to submit claims.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:
- Stephen W. Seiple  
720 Stratton Office Building  
Springfield, IL 62706  
(217)782-9669
- 12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.
- 13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This amendment was not included in the recent regulatory agenda because: The Department contracted with

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Pringe Benefit Management Company to adjudicate claims for the program effective July 1, 1996, and this change regarding submission of claims is consistent with industry standards. This change also makes the submission of claims deadline consistent with the Dependent Care Assistance Plan.

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE F: EMPLOYEE BENEFITS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

2120.530 Exclusions  
2120.540 Statements

PART 2120

SUBPART G: TERMINATION OF PARTICIPATION

STATE OF ILLINOIS MEDICAL CARE ASSISTANCE PLAN

SUBPART A: INTRODUCTION AND DEFINITIONS

Section  
2120.10 Summary and Purpose of Plan  
2120.20 Plan Number  
2120.30 Definitions

SUBPART B: ADMINISTRATION

Section  
2120.110 Role of the Department  
2120.120 Expenses of Administration

SUBPART C: PARTICIPATION

Section  
2120.210 Date of Participation  
2120.220 Insufficient Salary  
2120.230 Errors

SUBPART D: ELECTION TO RECEIVE MEDICAL CARE ASSISTANCE

Section  
2120.310 Election Procedure  
2120.320 Irrevocability of Election  
2120.330 Maximum Medical Care Assistance  
2120.340 Minimum Medical Care Assistance

SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

Section  
2120.410 Establishment of Accounts  
2120.420 Crediting of Accounts  
2120.430 Debiting of Accounts  
2120.440 Forfeiture of Accounts

SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

Section  
2120.510 Claims for Reimbursement  
2120.520 Reimbursement of Participant

SUBPART H: MISCELLANEOUS

Section  
2120.710 Non-discrimination  
2120.720 Illegality of a Particular Provision  
2120.730 Applicable Law  
2120.740 Effect on Pension  
2120.750 Effect on Social Security  
2120.760 Benefits Solely From General Assets  
2120.770 Nonassignability of Rights  
2120.780 Tax Consequences  
2120.790 Indemnification of State by Participants  
2120.800 Right to Amend and Terminate Reserved

AUTHORITY: Implementing Sections 105(h), 125, and 213(d) of the Internal Revenue Code (26 U.S.C. 105(h), 125, and 213(d)), Section 64.2 of the Civil Administrative Code of Illinois [20 ILCS 405/64.2], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 11810, effective July 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17296, effective October 17, 1988; amended at 14 Ill. Reg. 18998, effective November 14, 1990; amended at 16 Ill. Reg. 13811, effective August 28, 1992; amended at 19 Ill. Reg. 8595, effective June 14, 1995; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

Section 2120.440 Forfeiture of Accounts

- a) The amount credited to a Participant's medical care assistance account for any Plan Year shall be used:
  - 1) only to reimburse the Participant for Medical Care Expenses incurred during such Plan Year, and
  - 2) only if the Participant applies for Reimbursement on or before September 30 ~~December 31~~ of the next Plan Year.
- b) If any balance remains in the Participant's medical care assistance



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

account for any Plan Year after all reimbursements hereunder, such balance shall not be carried over to reimburse the Participant for Medical Care Expenses incurred during a subsequent Plan Year, and shall not be available to the Participant in any other form or manner.

c) Such balance shall be used to reimburse the Medical Care Assistance Plan for any reimbursements to Participants in excess of deposits that were not recovered as provided in Section 2120.610 of this Part.

d) Any remaining balance in the fund shall be distributed to the Health Insurance Reserve Fund.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: MISCELLANEOUS

## Section 2120.760 Benefits Solely From General Assets

The benefits provided by this Plan will be paid solely ~~solely~~ from the general assets of the State. The State will not be required to maintain any fund or segregate any amount for the benefit of any Participant, and no Participant or other person shall have any claim against, right to, or security or interest in, any asset of the State from which any payment under the Plan may be made.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Annual Audited Financial Report
- 2) Code Citation: 50 Ill. Adm. Code 925
- 3) Section Numbers:  
     Proposed Action:  
     925.60 Amended  
     925.140 Amended
- 4) Statutory Authority: Implementing Sections 132.1 through 132.7, 136, 401 and 402 of the Illinois Insurance Code [215 ILCS 5/132.1 through 132.7, 136, 401 and 402], and Section 2-7 of the Health Maintenance Organization Act [215 ILCS 125/2-7], and Section 2007 of the Limited Health Service Organization Act [215 ILCS 130/2007], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

- 5) A Complete Description of the Subjects and Issues Involved: The Department is making this technical change to make our regulation consistent with that of the NAIC. The Department discovered this error in our regulatory language during the past year.

- 6) Will this Proposed Amendment replace emergency rule currently in effect?  
No

- 7) Does this Amendment contain an automatic repeal date? No

- 8) Does this proposed Amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This proposed amendment will not expand, establish or modify a local government's activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Tim Cena, Deputy Counsel	Denise Hamilton
James R. Thompson Center (JRTC)	Rules Unit Supervisor
100 West Randolph St.	Department of Insurance
Suite 15-100	320 West Washington
Chicago, IL 60601	Springfield, IL 62767
(312) 814-2420	(217) 785-8560

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this amendment will not affect small businesses.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on which this Amendment was summarized: July 1996

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER 1: DEPARTMENT OF INSURANCE

SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

## PART 925

## ANNUAL AUDITED FINANCIAL REPORT

Section	
925.10	Authority
925.20	Purpose and Scope
925.30	Definitions
925.40	Filing and Extensions for Filing of Annual Audited Financial Reports
925.50	Contents of Annual Audited Financial Report
925.60	Designation of Accountant
925.70	Qualifications of Accountant
925.80	Consolidated or Combined Audits
925.90	Scope of Audit and Report of Accountant
925.100	Notification of Adverse Financial Condition
925.110	Report on Internal Control
925.115	Accountant's Letter of Qualifications
925.120	Definition, Availability and Maintenance of Accountant Workpapers
925.130	Examinations (Repealed)
925.140	Exemptions
925.150	Severability Provision

**AUTHORITY:** Implementing Sections 132.1 through 132.7, 136, 401, and 402 of the Illinois Insurance Code [215 ILCS 5/132.1 through 132.7, 136, 401, and 402], and Section 2-7 of the Health Maintenance Organization Act [215 ILCS 125/2-7], and Section 2007 of the Limited Health Service Organization Act [215 ILCS 130/2007], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

**SOURCE:** Filed July 9, 1975, effective July 21, 1975; codified at 7 Ill. Reg. 2359; amended at 11 Ill. Reg. 18204, effective October 26, 1987; amended at 19 Ill. Reg. 12229, effective August 14, 1995; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 925.60 Designation of Accountant

- a) Each insurer required by this Part to file an Annual Audited Financial Report must, within sixty (60) days after becoming subject to such requirement, register with the Director in writing the name and address of the accountant retained to conduct the annual audit set forth in this Part. Insurers not retaining an accountant on the effective date of this Part shall register the name and address of their retained accountant not less than six (6) months before the date when the first audited financial report is to be filed.
- b) If an accountant, who was not the accountant for the immediately

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

preceding filed Annual Audited Financial Report, is engaged to audit the insurer's financial statements, the insurer shall within thirty (30) days after the date the accountant is engaged notify the Director of this event. The insurer shall obtain a letter from the accountant and file a copy with the Director stating that the accountant is aware of the provisions of the Illinois Insurance Code and/or Health Maintenance Organization Act and/or the Limited Health Service Organization Act and the Rules and Regulations of the insurance regulatory authority of the state of domicile that relate to accounting and financial matters and affirming that the accountant will express its opinion on the financial statements in terms of their conformity to the statutory accounting practices prescribed or otherwise permitted by that insurance regulatory authority, specifying such exceptions as it may believe appropriate.

- c) If an accountant who was not the accountant for the immediately preceding filed Annual Audited Financial Report is dismissed or resigns, the insurer shall within five (5) business days notify the Director of this event. The insurer shall also furnish the Director with a separate letter within ten (10) business days of the above notification stating whether in the twenty-four (24) months preceding such event there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which disagreements, if not resolved to the satisfaction of the former accountant, would have caused it to make reference to the subject matter of the disagreement in connection with its opinion. The disagreements required to be reported in response to this subsection include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Disagreements contemplated by this subsection are those that occur at the decisionmaking level, between personnel of the insurer responsible for presentation of its financial statements and personnel of the accounting firm responsible for rendering its report. The insurer shall also in writing request such former accountant to furnish it a letter addressed to the insurer stating whether the accountant agrees with the statements contained in the insurer's letter and, if not, stating the reasons for which it does not agree; and the insurer shall furnish such responsive letter from the former accountant to the Director together with its own.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 925.140 Exemptions

- a) Upon written application of any domestic insurer, the Director may grant an exemption from compliance with this Part if the Director finds, upon review of the application, that compliance with this Part would constitute a financial or organizational hardship upon the

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

insurer. An exemption may be granted at any time, and from time to time, for a specified period or periods. Within ten (10) days from a denial of an insurer's written request for an exemption from this Part, such insurer may request in writing a hearing on its application for an exemption. Such hearing shall be held in accordance with the Rules of the Illinois Department of Insurance pertaining to administrative hearing procedures (50 Ill. Adm. Code 2402).

- b) Foreign and alien insurers having total direct premiums written of less than \$1,000,000 in any calendar year shall be automatically exempt from this Part for such year [unless the Director makes a specific finding that compliance is necessary for the Director to carry out statutory responsibilities] except that insurers having assumed premiums pursuant to contracts and/or treaties of reinsurance of \$1,000,000 or more will not be so exempt.

- c) Foreign or alien insurers filing audited financial reports in their state of domicile, pursuant to such domestic state's requirement of audited financial reports which has been found by the Director to be substantially similar to the requirements of this Part, are exempt from this Part if:

- 1) A copy of the Annual Audited Financial Report, Report on Internal Control, and the Accountant's Letter of Qualifications which are filed with such other state are filed with the Director in accordance with the filing dates specified in Sections 925.40, 925.110 and 925.115 respectively (Canadian insurers may submit accountants' reports as filed with the Canadian Dominion Department of Insurance).

- 2) A copy of any Notification of Adverse Financial Condition Report filed with such other state is filed with the Director within the time specified in Section 925.100.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Pharmacy Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1330

3) Section Numbers: Proposed Action:

1330.05 Amendment, Renumbered  
1330.65 New Section  
1330.70 Renumbered

4) Statutory Authority: Implementing Section 3 of the Pharmacy Practice Act of 1987 (225 ILCS 85/3).

5) A Complete Description of the Subjects and Issues Involved: Section 3 of the Pharmacy Practice Act of 1987 provides for patient counseling by pharmacists or their designees. This rulemaking establishes procedures for patient counseling.

The proposed rules provide that, upon receipt of a new or refill prescription, a prospective drug review or drug utilization evaluation shall be performed. An offer to counsel shall be made on all new prescriptions. Professional judgment shall be exercised in determining whether to offer counseling for prescription refills.

If the offer to counsel is accepted, the pharmacist or the student pharmacist, as directed and supervised by the pharmacist, shall counsel the patient or caregiver of such patient to the extent the pharmacist deems appropriate. Counseling may include, for example, the name and description of medication, refill information, actions to be taken in cases of missed doses, special directions and precautions for use, and common severe side effects, adverse effects, interactions, therapeutic contraindications and the action required should they occur.

Patient counseling shall not be required for patients of a hospital or other facility where a nurse or other licensed health care professional is authorized to administer the medication. The proposed rules also state that a refusal by a patient or patient's caregiver to accept counseling shall be documented. The absence of any record of a refusal to accept the offer to counsel shall be presumed to signify that the offer was accepted and that counseling was provided.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

## DEPARTMENT OF PROFESSIONAL REGULATION

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9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable):

This rulemaking has no effect on local governments.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Pharmacies

B) Reporting, bookkeeping or other procedures required for compliance: Pharmacists will be required to document a patient's or caregiver's refusal to accept counseling.

C) Types of professional skills necessary for compliance: Pharmacy skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1330

## PHARMACY PRACTICE ACT OF 1987

## Section

- 1330.05 Definitions
- 1330.10 Application for Certificate of Registration as a Pharmacy Technician
- 1330.20 Approval of Pharmacy Programs
- 1330.30 Graduates of Programs Not Approved Pursuant to the Provisions of Section 1330.20
- 1330.40 Application for Examination
- 1330.50 Examination for Licensure
- 1330.55 Application for Licensure on the Basis of Examination
- 1330.60 Reciprocity
- 1330.65 Patient Counseling
- 1330.70 Definitions (Renumbered)
- 1330.75 Security Requirements
- 1330.80 Violations
- 1330.90 Divisions of Pharmacy Licenses
- 1330.91 Division I Pharmacies
- 1330.92 Division II Pharmacies
- 1330.93 Division III Pharmacies
- 1330.94 Division IV Pharmacies
- 1330.95 Division V Pharmacies
- 1330.96 Nonresident Pharmacies
- 1330.99 Parenteral Product Standards
- 1330.100 Application for a Pharmacy License
- 1330.110 Granting Variances
- 1330.120 Renewals
- 1330.130 Restoration
- 1330.140 Continuing Education

AUTHORITY: Implementing the Pharmacy Practice Act of 1987 [225 ILCS 85] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Pharmacy Practice Act, effective August 20, 1975; amended March 8, 1977; amended at 4 Ill. Reg. 1234, effective July 11, 1980; amended at 5 Ill. Reg. 2997, effective March 11, 1981; codified at 5 Ill. Reg. 11049; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 6496, effective June 30, 1983; amended at 9 Ill. Reg. 16918, effective October 23, 1985; amended at 10 Ill. Reg. 21913, effective December 17, 1986; transferred from Chapter I, 68 Ill. Adm. Code 330 (Department of Registration

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and Education) to Chapter VII, 68 Ill. Adm. Code 1330 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2957; amended at 12 Ill. Reg. 17394, effective October 14, 1988; amended at 16 Ill. Reg. 19811, effective December 7, 1992; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1330.05 ~~1330.70~~ Definitions

"Act" means the Pharmacy Practice Act [225 ILCS 85].

"Authentication of Product History" means, but is not limited to, identifying the purchasing source, the ultimate disposition and any intermediate handling of any component of a radiopharmaceutical, diagnostic agent or device.

"Deliver" means the actual, constructive or attempted transfer of possession of a prescription medication.

"Dispense" means to interpret, select the prescribed product, prepare and/or deliver a prescription medication to an ultimate consumer or to a person authorized to receive the prescription medication by or pursuant to the lawful order of a practitioner, including the compounding, packaging, computer entry and/or labeling necessary for delivery and any recommending, advising and counseling concerning the contents, therapeutic values, uses and any precautions, warnings and/or advice concerning consumption.

"Distribute" means to deliver, other than by dispensing, a prescription medication.

"Division I pharmacy" is any pharmacy that which engages in general community pharmacy practice and that which is open to, or offers pharmacy service to, the general public.

"Division II pharmacy" is any pharmacy whose primary pharmacy service is provided to patients or residents of facilities licensed under the Nursing Home Care Reform Act of 1979 [210 ILCS 45] ~~1330.05~~ ~~Rev. 1991~~ ~~ch. 113~~ ~~1/2~~ ~~par. 4151-4153~~ ~~et seq.~~ or the Hospital Licensing Act [210 ILCS 85] ~~1330.05~~ ~~Rev. 1991~~ ~~ch. 113~~ ~~1/2~~ ~~par. 4151-4153~~ ~~et seq.~~ ~~7~~, or the University of Illinois Hospital Act [110 ILCS 330] ~~1330.05~~ ~~Rev. 1991~~ ~~ch. 113~~ ~~1/2~~ ~~par. 4151-4153~~ ~~et seq.~~ and that which is not located in the facility it serves.

"Division III pharmacy" is any pharmacy that which is located in a facility licensed under the Nursing Home Care Reform Act of 1979 or the Hospital Licensing Act, or the University of Illinois Hospital Act or a facility that which is operated by the Department of Mental Health and Developmental Disabilities or the Department of

## DEPARTMENT OF PROFESSIONAL REGULATION

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Corrections, and that which provides pharmacy services to residents or patients of the facility, as well as employees, prescribers and students of the facility.

"Division IV pharmacy" is any pharmacy that which provides and/or offers for sale radiopharmaceuticals.

"Division V pharmacy" is any pharmacy that which holds licenses in Division II or Division III that which also provides pharmacy services to the general public, or is any pharmacy that which is located in or whose primary pharmacy service is to ambulatory care facilities or schools of veterinary medicine or other such institution or facility (e.g., a university infirmary).

"Medication Order" means an order that which is issued by a physician for a resident or patient of a facility licensed under the Nursing Home Care Reform Act of 1979 or the Hospital Licensing Act.

"Nonresident Pharmacy" means a pharmacy that is located outside this State that which ships, delivers, dispenses or distributes into Illinois by any means any drugs, medicines, pharmaceutical services or devices requiring a prescription.

"Nuclear Pharmacist" means a pharmacist who provides radiopharmaceutical services and has satisfied the requirements of Section 1330.94(i).

"Patient counseling" means an offer to counsel shall be made by the pharmacist or the pharmacist's designee in a face-to-face communication with the patient, unless, in the professional judgment of the pharmacist it is deemed inappropriate or unnecessary. In such instance, it would be permissible for the offer to counsel to be made in a written communication, by telephone or in a manner determined by the pharmacist to be appropriate.

"Patient Profiles" or "patient drug therapy record" means the obtaining, recording and maintenance of patient information.

"Pharmacist" means a registered pharmacist or registered assistant pharmacist.

"Prospective drug review" or "drug utilization evaluation" means a review of the screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), incorrect drug dosage or duration of drug treatment, drug-allergy interactions and clinical abuse or misuse.

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"Radiopharmaceutical" means any substance defined as a drug in Section 3(b) of the Pharmacy Practice Act that which exhibits spontaneous disintegration of unstable nuclei with the emission of alpha particles or photons and includes any nonradioactive generator or nuclide generator that which is intended to be used in the preparation of any such substance but does not include drugs which contain carbon-containing compounds of potassium-containing salts that which contain trace quantities of naturally occurring radionuclides. Radiopharmaceuticals include radioactive biological products as defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq. (1988)) and regulations promulgated thereunder.

"Radiopharmaceutical Quality Assurance" means, but is not limited to, the performance of appropriate chemical, biological, and physical tests on potential radiopharmaceuticals, and the interpretation of the resulting data to determine their suitability for use in humans and animals, including internal test assessment, authentication of product history and the keeping of proper records in these regards.

"Radiopharmaceutical Service" means the compounding, dispensing, labeling and delivery of radiopharmaceuticals; the participation in radiopharmaceutical selection and radiopharmaceutical utilization reviews; the proper and safe storage and distribution of radiopharmaceuticals as determined by the Illinois Department of Nuclear Safety; the maintenance of radiopharmaceutical quality assurance; the responsibility for advising, where necessary or required, of diagnostic and therapeutic values, hazards and use of radioactive pharmaceuticals; and the offering or performance of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a Division IV Pharmacy.

"Registrant" means a registered pharmacist, registered assistant pharmacist, or a registered pharmacy technician.

"Student Pharmacist" is a person registered as a pharmacy technician who is enrolled in a pharmacy program and is designated a "student pharmacist" pursuant to Section 9 of the Act.

"Ultimate consumer" means the person for whom a drug is intended.

"Unprofessional conduct" under Section 30 of the Act shall include, but not be limited to, any act or of practice related to the practice of pharmacy that which is wilful, wanton, repeated, or flagrant and likely to result in harm to an individual. In determining what constitutes unprofessional conduct, the Board shall consider, but shall not be limited to, the following standards as they relate to the person who is the subject of the proposed disciplinary action:

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Violations set forth in Section 30(a) paragraph-4150(a) of the Act;

Repeated commission of an act or acts that are of a flagrant and obvious nature so as to constitute conduct of such a distasteful nature that accepted codes of behavior or codes of ethics are breached;

Repeated commission of an act or acts in a relationship with a patient so as to violate common standards of decency or propriety;

Willful violation or knowing assistance in the violation of any law relating to the use of habit-forming drugs;

Willful preparation or signing false statements in order to induce payment for pharmacy services by the Department of Public Aid, or any other local, state or federal department, agency or governmental body, or any private insurance program; and

Violating practice Standards of the American Pharmaceutical Association/American Association of Colleges of Pharmacy Standards of Practice for the Profession of Pharmacy, published March 1979, which include no later editions or amendments, and which are herein incorporated by reference, in determining what is unprofessional conduct; however, non-compliance with these professional standards shall not alone be considered an act of unprofessional conduct unless these acts are of a flagrant, glaringly obvious nature constituting a substantial departure from these professional standards.

(Source: Section 1330.05 renumbered from Section 1330.70 and amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1330.65 Patient Counseling

a) Upon receipt of a new or refill prescription, a prospective drug review or drug utilization evaluation shall be performed. An offer to counsel shall be made on all new prescriptions. Professional judgment shall be exercised in determining whether to offer counseling for prescription refills. If the offer to counsel is accepted, the pharmacist or the student pharmacist, as directed and supervised by the pharmacist, shall counsel the patient or patient's caregiver, with such counseling to include those matters listed in subsections (a)(1) through (a)(10) of this Section that, in the exercise of his or her professional judgment, the pharmacist considers significant as well as other matters the pharmacist considers significant:

1) Name and description of medication;

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- 2) Dosage form and dosage;
- 3) Route of administration;
- 4) Duration of therapy;
- 5) Techniques for self-monitoring;
- 6) Proper storage;
- 7) Refill information;
- 8) Actions to be taken in cases of missed doses;
- 9) Special directions and precautions for preparation, administration and use;
- 10) Common severe side effects, or adverse effects, or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur.

b) If in the pharmacist's professional judgment oral counseling is not practicable for the patient or patient's caregiver, the pharmacist shall use alternative forms of patient information. When used in place of oral counseling, alternative forms of patient information shall advise the patient or caregiver that the pharmacist may be contacted for consultation in person at the pharmacy by toll-free telephone service or collect telephone service.

c) The pharmacist is responsible for maintaining patient profiles as defined in Section 3(s) of the Act. A reasonable effort shall be made to obtain information to include, but not limited to, the following:

- 1) Name, date of birth (age), gender, address and telephone number;
- 2) Individual history, where significant, including disease state(s), known allergies, drug interactions, a comprehensive list of medications and relevant to devices; and
- 3) Pharmacist's comments relevant to the individual's therapy.

d) Patient identifiable information obtained by the pharmacist or the pharmacist's designee for the purpose of patient record maintenance, prospective drug review, drug utilization review and patient counseling shall be considered confidential information, as defined in Section 3(q) of the Act. A reasonable effort should be made to provide counseling based on such confidential information in a discreet, supportive, informative and non-threatening manner.

e) Patient counseling as defined in this Section shall not be required for patients of a hospital or other facility where a nurse or other licensed health care professional is authorized to administer the medication. However, the pharmacist shall comply with the requirements of this Section when medications are provided by the pharmacy upon the patient's discharge from the hospital or facility.

f) The pharmacist shall not be required to counsel a patient or patient's caregiver when the patient or patient's caregiver refuses to accept the offer to counsel. A patient's or patient's caregiver's refusal to accept counseling shall be documented. The absence of any record of a refusal to accept the offer to counsel shall be presumed to signify that the offer was accepted and that counseling was provided.

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(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1330.70 Definitions (Renumbered)

(Source: Section 1330.70 renumbered to Section 1330.50 at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Lobbyist Registration and Reports

2) Code Citation: 2 Ill. Adm. Code 560

<u>Section Number</u>	<u>Proposed Action</u>
560.100	Amendment
560.200	Amendment
560.205	Amendment
560.210	Amendment
560.220	Amendment
560.230	Repeal
560.300	Amendment
560.305	Amendment
560.310	Amendment
560.315	Amendment
560.320	Amendment
560.325	Amendment
560.326	New Section
560.330	Amendment
560.340	Amendment
560.350	Amendment
560.360	Amendment
560.365	Amendment
560.370	Amendment
560.372	New Section
560.375	Amendment
560.380	Amendment
560.385	Amendment
560.390	Amendment
560.395	Amendment
560.400	Amendment
560.402	Amendment
560.405	Amendment
560.410	Amendment
560.420	Amendment
560.Appendix A	Repeal
Illustration A	Repeal
Illustration B	Repeal
Illustration C	Repeal
Illustration D	Repeal
Illustration E	Repeal
Illustration F	Repeal
560.Appendix B	Repeal
Illustration A	Repeal
Illustration B	Repeal
Illustration C	Repeal
Illustration D	Repeal
Illustration E	Repeal
Illustration F	Repeal



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Illustration G

Repeal

- 4) Statutory Authority: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170].
- 5) A Complete Description of the Subjects and Issues Involved: Most of the amendments make nonsubstantive changes to clarify existing policies. Substantive changes include permission for lobbyists to use a photocopy of their picture for registration; a clarification that grass roots lobbying communications include not only the communication from the entity to its members, but also the corresponding contact by the members to the officials (absent reportable expenditures), and that firms who prepare grass roots lobbying communications on behalf of lobbying organizations are not required to register if they have no direct lobbying communications with officials; clarification with respect to the filing of reports (i.e., the acceptance of postmark dates, the extension of the filing deadline to the next business day if the statutory deadline falls on a weekend, and that forms may be refused if not accompanied by proper fees); clarification that registration fees are not transferable for lobbyists changing entities; new options for reporting large gatherings or giveaways sponsored by more than one entity; and clarification that a lobbyist need not report an expenditure if the official reimburses the lobbyist during the reporting period.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:
- Debra Detmers, Director  
Index Department  
111 E. Monroe Street  
Springfield, Illinois 62756  
217/782-7017
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rule will affect any business or not for

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profit entity whose activities fall within the purview of the Lobbyist Registration Act. There should be no economic impact. Units of government are not affected.

- B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting requirements are imposed. Nonsubstantive changes have been made to the forms, available at the Index Department.
- C) Types of professional skills necessary for compliance: No professional skills are relevant to this rulemaking.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the proposed rules begins on the next page:

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TITLE 2: GOVERNMENTAL ORGANIZATION  
CHAPTER III: SECRETARY OF STATE

## PART 560

## LOBBYIST REGISTRATION AND REPORTS

## SUBPART A: DEFINITIONS

Section  
560.100

Definitions

## SUBPART B: LOBBYIST REGISTRATION

Section

560.200 Persons Required to Register  
560.205 Designation and Duties of Authorized Agent  
560.210 Persons Not Required to Register  
560.220 Registration Requirements  
560.230 Failure to Register (Repealed)

## SUBPART C: REPORTING REQUIREMENTS

Section

560.300 Persons Required to File Expenditure Reports  
560.305 Time, Place and Manner for Filing Expenditure Reports  
560.310 Categorizing Expenditures  
560.315 Allocating Expenditures  
560.320 Hosting Large Gatherings and Giveaways  
560.325 Reporting Expenditures by Participants in Grass Roots Lobbying Events  
560.326 Restaurant's Duties for Grass Roots Lobbying Events  
560.330 Expenditures for Immediate Family Members of Officials  
560.340 Travel and Lodging Accommodations for Officials  
560.345 Members of Legislative or State Study Committees  
560.350 Personal and Office Expenses  
560.355 Registrant's Duties for Grass Roots Lobbying Events (Repealed)  
560.360 Salaries, Fees and Compensation  
560.365 Contributions Reported Under the Election Code  
560.370 Returned Gifts and Honoraria/Reimbursement by Official  
560.372 Official's Clarification Notice  
560.375 Reports in the Absence of Reportable Expenditures  
560.380 Amending Reports  
560.385 Termination of Lobbying Activities  
560.390 Failure to File Registration Statements and Expenditure Reports  
560.395 Preservation of Records

## SUBPART D: PUBLIC DISCLOSURE

Section

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560.400 Requests for Reports  
560.402 Location and Business Hours  
560.405 Official Forms  
560.410 List of Officials  
560.420 Fees

## APPENDIX A Lobbyist Registration Statements

ILLUSTRATION A Form R1: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/ Association/Corporation or any Other Organization Employing a Lobbyist on Their Own Behalf (Repealed)

ILLUSTRATION B Form R2: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Who Performs Lobbying Services on Behalf of Another (Repealed)

ILLUSTRATION C Attachment R1/R2: Lobbyist Registration Attachment - For Individual Lobbyist (Repealed)

ILLUSTRATION D Form R3: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Lobbyists (Repealed)

ILLUSTRATION E Form R4: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Clients (Repealed)

## APPENDIX B Lobbyist Expenditure Reports

ILLUSTRATION A Form S1: Lobbyist Expenditure Report - Summary of Reportable Expenditures (Repealed)

ILLUSTRATION B Schedule 1A/2A: Lobbyist Expenditure Report - Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)

ILLUSTRATION C Schedule 1B/2B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)

ILLUSTRATION D Schedule 2C/3C: Lobbyist Expenditure Report - Expenditures for Large Gatherings or Giveaways (Repealed)

ILLUSTRATION E Schedule 3A/4A: Lobbyist Expenditure Report - Itemized Expenditures for Gifts or Honoraria (Repealed)

ILLUSTRATION F Schedule 3B/4B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Gifts and Honoraria (Repealed)

ILLUSTRATION G Schedule GRI: Lobbyist Expenditure Notification - Expenditures Notification in Connection with a Grass Roots Lobbying Event (Repealed)

AUTHORITY: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170].

SOURCE: Adopted at 18 Ill. Reg. 2532, effective January 1, 1994; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: DEFINITIONS

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## Section 560.100 Definitions

The following definitions shall apply to this Part:

"Act" means the Lobbyist Registration Act [25 ILCS 170], see Public Act 88-187.

"Administrative action" means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual arrangement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any executive agency, department, board or commission of the State. (Section 2 of the Act) It shall not include any correspondence or direct lobbying communication to an official providing a response to an official's request.

"Allocation" means the proration of the expenditure made or incurred for lobbying an official when the expenditure is made or incurred for more than one official, but fewer than twenty-five (25) officials.

"Authorized Agent" means the person employed by and designated by the registered entity to be responsible to the Secretary of State for the accurate submission of lobbyist registration statements and expenditure reports required under this Part. The authorized agent need not register unless he or she is a lobbyist, as defined in this Section.

"Beneficiary" means an official as defined in this Section--for whose benefit expenditures are made or incurred for the ultimate purpose of influencing executive, legislative or administrative action--for allocation purposes--all persons in the presence of the official who are receiving the direct benefit of the expenditure are considered to be beneficiaries.

"Client" means an individual, firm, partnership, committee, association, corporation or any other organization on whose behalf a lobbyist influences officials with respect to executive, administrative and legislative action.

"Compensation" means any money, thing of value or financial benefits received or to be received in return for services rendered or to be rendered, for lobbying, as defined herein. Monies paid to officials by the State as remuneration for performance or reimbursement of expenses in connection with their constitutional and statutory duties as officials shall not constitute compensation. (Section 2 of the Act)

"Complete Report" means a statement, or report or document to be filed

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with the Secretary of State Index Department in apparent and substantial conformity with the requirements of this Part that shall contain the signature of the authorized agent person-making--the filing, the completion of all applicable sections of the statement or report, and the attachment of all appropriate schedules. Inadvertent error--or--omission of a minimal nature in the completion of a report, statement or document shall not be deemed as a willful failure to file or a willful filing of false or incomplete information.

"Direct Lobbying Communication" means any activity concerning the direct contact of officials in person or by other means of through correspondence, telephone by phone or other electronic medium for the purpose of influencing executive, legislative or administrative action. Any correspondence or contact of a routine nature with an official's office, or by a citizen lawfully petitioning a public official pursuant to Section 9 of the Act, shall not be considered direct lobbying communication, administrative or legislative agency or a legislator's capitol--or--district office--is not considered direct lobbying communication when the person is exercising the right of a citizen--to--lawfully petition a member of the General Assembly or any other public official unless the communication is made by a hired lobbyist or is in conjunction with a reportable expenditure.

"Due Diligence" means when an a person or authorized agent for any registered entity person shows that best efforts have been used to obtain, maintain and submit the information required by the Act. With regard to filing complete reports, the authorized agent Authorized Agent will not be deemed to have exercised due diligence unless he or she has access to the expense records of the entity's lobbyist entity and has made at least one effort by a written request to obtain such information from the lobbyist--Such effort shall consist of a clear request for the information which informs the lobbyist that the reporting of such information to the authorized agent Authorized Agent is required by law or regulation.

"Employer" means the individual, firm, partnership, committee, association, corporation or any other organization or group of persons by whom a lobbyist is employed, and not the name of the lobbyist's supervisor.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a State entity of a rule, regulation, order, decision, determination, contractual arrangement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding. (Section 2 of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.



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"Expenditure" means a payment, distribution, loan, advance, deposit or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure, for the ultimate purpose of influencing executive, legislative or administrative action, other than compensation as defined herein. (Section 2 of the Act) For the purposes of Subpart C, "expenditure" refers to a reportable expenditure made on behalf of an individual in one of the four categories described in Section 6 of the Act and Section 560.310 of this Part. For-reporting purposes-anything of value means a tangible item or service with a discernable retail or market value which is verifiable.

"File", "Filed" and "Filing" means the submission of a complete report, as defined in this Section, with respect to--to reports, statements and documents required to be filed with the Secretary of State Index Department, 311 East Monroe Street, Springfield, Illinois 62756, by the close of business on of the prescribed filing date; registration statements and expenditure reports shall be filed at all times between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding official State holidays. Forms may be sent by mail with a postmark date no later than the filing deadline. If the filing deadline falls on a weekend, the deadline will be extended to the next business day. The Secretary of State Index Department shall notify any registered entity who has failed to submit a complete report and pay proper fees as required by Sections 560-560.220 and 560-390. An entity that fails to file a complete entity registration statement and pay proper fees shall not be considered a registered lobbying entity by the Secretary of State.

On "Goodwill" means, for reporting purposes, any expenditure made on behalf of officials which has no direct relation to a specific executive, legislative or administrative action regardless of whether the lobbyist registered making the expenditure is reimbursed by his or her employing registered entity or client. Goodwill should be reported as the subject matter **only--in those instances** where no specific action is discussed.

"Grass Roots Lobbying Communication" means: any attempt to influence any executive, legislative or administrative action through an attempt to affect the opinions of the general public or any segment thereof, to include a communication or written letter to a specific executive, legislative or administrative action or to a specific executive, legislative or administrative action or to the communication or action and/or to encourage the execution of the communication or action with respect to such executive or legislative or administrative action, but the purpose of such communication is not to encourage a specific action with respect to an executive or legislative or administrative action means that the communication

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the principal purpose of using contact with the official is to influence an executive, legislative or administrative action. It states the address, telephone number or similar information and provides a petition, request for action or fear of postcard or similar material for the recipient to communicate with an official, but not only if the principal purpose of so factoring contact with the official is to influence an administrative, legislative or administrative action of the official. Specifically, it defines one of the officials who will decide on the executive, legislative or administrative action as "opposing the communication" with with respect to the executive, legislative or administrative action being undertaken with respect to such action being the recipient's representative in subcommittee or any official participating in the decision making process. The with condition is not. Encouraging the recipient to take action under the paragraph does not include naming the main beneficiary of the legislation or the congressional action or employee for the purposes of the legislation. The action is not a legislative action.

correspondence by a representative (a lobbyist or a non-lobbyist) of a registered entity to the general public, or any segment thereof, encouraging correspondence to an official's office in support of, or opposition to, an executive, legislative or administrative action;

correspondence by a member of the general public, or any segment thereof, to an official's office in support of, or opposition to, an executive, legislative or administrative action when such correspondence is a result of a communication described above in this definition. A ~~however~~any reportable expenditure made for or on behalf of an official by a member of the general public as a result of a grass roots lobbying communication ~~Grass-Roots Lobbying--Communication~~ shall constitute lobbying activity requiring that individual to register as a lobbyist unless that person reports the that expenditure to the registered entity pursuant to Section 560.325.

"Grass Roots Lobbying Event" means:

any organized activity sponsored by a registered entity that is intended to influence the actions of officials by through-the-use of inviting or transporting participants (e.g., shareholders, affiliated members, employees, agents, constituents or members-of-the-general public) to a specific site on the grounds of, or in the proximity of, public offices or other meeting places, where



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officials are expected to be accessible for grass roots lobbying activities; or

any event to which officials are invited that is sponsored by a non-lobbyist member or employee of a registered entity, e.g., an on-site inspection of, or reception at, the member's or employee's place of business, or a social gathering at any location. Reportable expenditures incurred as a result of the event shall be reported to the registered entity pursuant to Section 560.375.

"Honorarium" means a payment of money to a member of the General Assembly for an appearance or speech, excluding any actual and necessary travel expenses incurred by the member (and one relative) to the extent that those expenses are paid by any other person. [5 ILCS 420/2-110]

"Influencing" means any communication, action, or reportable expenditure as prescribed in Subpart C of this Part or other means used to promote, support, affect, modify, oppose or delay any executive, legislative or administrative action or to promote goodwill with officials, as defined herein.

"Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment or passage or defeat of any bill, amendment, resolution, report, nomination, administrative rule, or other matter by either house of the General Assembly or a committee thereof, or by a legislator. Legislative action also means the action of the Governor in approving or vetoing any bill or portion thereof, and the action of the Governor or any agency in the development of a proposal for introduction in the legislature. (Section 2 of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.

"Lobbying" means any communication with an official of the executive or legislative branch of state government as defined herein for the ultimate purpose of influencing executive, legislative or administrative action. (Section 2 of the Act) Lobbying shall not be construed to infringe in any way the right of a citizen to lawfully petition a member of the General Assembly or any other public official by any means of communication. The following are hereby excluded from the definition of "lobbying":

Any grass roots lobbying communication as defined herein; by any individual; firm; partnership; committee; association; corporation or any other organization or group of persons which undertakes to communicate with their shareholders; affiliated

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~~members, employees, agents or constituents to promote or encourage their contact with State officials regarding executive legislative or administrative action; however, any reportable expenditure made by the shareholder-affiliated member-employee agent or constituent for or on behalf of an official as a result of the communication may constitute lobbying activity requiring an individual to register as a lobbyist;~~

Any communication by a any candidate or political committee, as defined in Article 9 of the Election Code [10 ILCS 5/Art. 9], in relation to the candidate's campaign, or other communications by a political party committee registered with the Illinois State Board of Elections or Federal Election Commission;

Any communication by a political committee registered with the Illinois State Board of Elections or Federal Election Commission in connection with a question of public policy referendum to be presented to the electors; and

Any professional or technical assistance or ministerial function (a function in which nothing is left to discretion) as a normal course of business (see Section 560.210(c), (d), and (n) of this Part.

"Lobbyist" means any person who is a registrant or is employed by a registered entity who undertakes direct lobbying communication with an official of the executive or legislative branch of State government as defined herein for the ultimate purpose of influencing executive, legislative or administrative action.

"Official" means:

the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer and State Comptroller and their Chiefs of Staff;

Cabinet members of any elected constitutional officer, including Directors, Assistant Directors and Chief Legal Counsel or General Counsel; and other position titles of comparable ranking considered part of the cabinet if the person has been designated by and serves at the pleasure of the constitutional officer; and the Secretary of State; Index Department that are deemed by their employing Constitutional Officer to be an official under this Part; and

Members of the General Assembly.

"Official" shall not be construed to mean or include those individuals

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possessing power of attorney on behalf of an official.

"Person" means any individual, firm, partnership, committee, association, corporation or any other organization or group of persons. (Section 2 of the Act)

"Picture" means an original or photocopied photograph of a lobbyist to be affixed to the lobbyist's registration attachment.

"Professional Services and Technical Skills" shall be limited to advice and analysis directly applying any professional or technical discipline (see Section 560.210(C) and (d) of this Part). For example--drafting-of-a-legal-document-accompanying-a-bid-or-proposal does--not--subject--a--person--to--register--pursuant--to--this--Part. Similarly--technical--advice--on--the--performance--or--operational capability--of--a--piece--of--equipment--rendered--directly--in--the negotiation--of--a--contract--does--not--subject--a--person--to--register pursuant--to--this--Part. Being a professional or technical person does not in itself exempt a person from registering if that person is involved--in--direct--lobbying--communication--with--an--official--with--the intent--to--influence--executive--legislative--or--administrative--action undertakes a direct lobbying communication or makes a reportable expenditure. (See--Section--560.210(f))--They--for--example--communications--with--the--intent--to--influence--made--by--a--lawyer--who--is not--providing--legal--advice--or--analysis--directly--and--solely--related--to the--legal--aspects--of--his--or--her--client's--proposal--but--generally advocating--one--proposal--over--another--is--communicating--in--a--manner which--is--not--exempt--requiring--a--person--to--register--under--this--Part because--the--lawyer--is--not--solely--providing--professional--legal services--Similarly--providing--an--engineering--or--technical--analysis concerning--a--legislative--proposal--or--in--the--preparation--submission--or negotiation--of--a--bid--or--offer--is--an--exclusion--from--the--definition--of lobbying--since--the--individual--is--providing--technical--services.

"Recipient of expenditure" means a person or business which receives payment for goods or services rendered as part of a lobbying activity for a merchant.

"Registered Entity" or "Lobbying Entity" means the firm, partnership, committee, association, corporation or any other organization or group of persons who has filed, as defined in this Section, or will be filing a lobbyist registration statement with the Secretary of State Index Department as prescribed in Section 560.200(b) regardless of whether the entity lobbies on its own behalf or on the behalf of another. A self-employed individual who is not officially organized as a corporation or firm is considered such for purposes of this definition.

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Vendor means any person who sells or leases commodities, equipment, or real estate to the State of Illinois.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_)

## SUBPART B: LOBBYIST REGISTRATION

## Section 560.200 Persons Required to Register

The following individuals shall register with the Secretary of State Index Department:

- a) Any person who, for compensation or otherwise, either individually or as an employee or contractual employee of another person, undertakes to influence executive, legislative or administrative action by any direct lobbying communication with an official of the executive or legislative branch of State government even if lobbying constitutes a small percentage of the employee's job duties. (Section 3 of the Act)
- b) Any person of entity who employs another person--eg--registered entity for the purposes of influencing executive, legislative or administrative action by any direct lobbying communication with an official of the executive or legislative branch of State government. For example, XYZ Corporation is would-be required to register upon retaining a registered entity that does not lobby exclusively for XYZ Corporation, lobbying-firm or--alternatively--upon employing hiring an individual to lobby exclusively for as-an-employee-of XYZ Corporation.

1) Any person--who--for--compensation--or--otherwise--either individually--or--as--an--employee--or--contractual--employee--of--another person--undertakes--to--influence--executive--legislative--or administrative--action--by--any--direct--lobbying--communication--with an--official--of--the--executive--or--legislative--branch--of--State government--(Section-3-of-the-Act)

2) Any person who employs another person eg--registered entity for--the--purpose--of--influencing--executive--legislative--or administrative--action--by--any--direct--lobbying--communication--with an--official--of--the--executive--or--legislative--branch--of--State government--For--example--XYZ--Corporation--would--be--required--to register--upon--retaining--a--lobbying--firm--or--alternatively--upon hiring--an--individual--to--lobby--as--an--employee--of--XYZ--Corporation--(Section-3-of-the-Act)

## Section 560.205 Designation and Duties of Authorized Agent

- a) Every registered entity shall designate on its the-appropriate Registration Statement an authorized agent who shall be Authorized

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Agent responsible for keeping the expenditure and registration records on behalf of the registered entity, and filing the statement and reports required by this Part.

b) The authorized agent shall be the Index Department's contact person for the registered entity. Notices from the Department will be mailed only to the authorized agent. The authorized agent shall notify the Department of any change of address.

c) No registered entity shall have a vacancy in the position of authorized agent. The Department shall continue to send notices to the authorized agent designated until a registered entity notifies the Department in writing of the new authorized agent.

d) The authorized agent shall submit the official expenditure reports on behalf of the registered entity, consolidating the expenditure information for all of the lobbyists for that entity (see Subpart C of this Part).

e) The Index Department shall not accept registration statements and expenditure reports that are signed by anyone other than the authorized agent unless accompanied by a written explanation.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.210 Persons Not Required to Register

This Part is not intended and shall not be construed to apply to the following:

a) Persons who, for the purpose of influencing executive, legislative or administrative action and who do not make expenditures that are reportable pursuant to Subpart C of this Part, appear without compensation or promise thereof only as witnesses before committees of the House and Senate for the purpose of explaining or arguing for or against the passage of or action upon any legislation then pending before such committees, or who seek without compensation or promise thereof the approval or veto of any legislation by the Governor.

b) Persons--who--own--publish--or--are-employed-by-a-newspaper-or-other-regularly-published-periodical--or-who-own-or-are-employed-by-a-radio-station--television-station--or-other-bona-fide-news-medium-which-in-the-ordinary-course-of-business-disseminates-news-editorial-or-other-comment--or--paid-advertisements--which-directly-urge-the-passage-or-defeat-of-legislation:

i) This exemption shall not be applicable to--such-an-individual insofar-as-he-receives-additional-compensation-or-expense-from some-source-other-than-the-bona-fide-news-medium-for-the-purpose of-influencing-executive-legislative-or-administrative-action.

2) This exemption does not apply to newspapers and periodicals owned by--or-published-by--trade-associations-and-profit-corporations engaged-primarily-in-endeavors-other-than-dissemination-of-news. Persons who receive no compensation from their immediate employer or association other than reimbursement for expenses of up to

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\$500 per year while engaged in lobbying State government, unless those persons made expenditures that are reportable under Subpart C of this Part. Volunteers for non-profit registered entities who undertake a direct lobbying communication within the scope of their volunteer activities are not required to register unless they make reportable expenditures. However, this exemption does not apply to non-profit entities engaged in direct lobbying communications.

c) Persons performing professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation where such professional services are not otherwise, directly or indirectly, connected with executive, legislative or administrative action. Examples include, but are not limited to, the following:

1) an entity that monitors or drafts legislation on behalf of its members or clients, but does not engage in direct lobbying communications with officials or make reportable expenditures;

2) an individual employed by a registered or non-registered entity who monitors or drafts legislation on behalf of his or her employer or client, but does not engage in direct lobbying communications with officials or make reportable expenditures.

d) Persons--who--are--employees-of-departments-divisions--or-agencies-of-State-government--and-who-appear-before-committees-of-the-House--and-Senate-for-the-purpose-of-explaining-how-the-passage-of-or-action-upon any-legislation--then-pending-before-such-committees-will-affect-said departments-divisions--or-agencies-of-State-government--(Section-4-of-the-Act)--No-communication--by--a--department--division--agency--or employees--theseof--acting--within--the--scope--of--their--employment regarding-any-executive-legislative-or-administrative-action--shall-be construed-as-lobbying-activities-requiring-a-department--division--or agency-of-State-government-or-its-employees-acting-within-the-scope-of their-employment--to-register-under-this-Part: Persons who possess technical skills and knowledge relevant to certain areas of executive, legislative or administrative actions, whose skills and knowledge would be helpful to officials regardless of whether such assistance was requested when considering such actions, whose activities are limited to making occasional appearances for or communicating on behalf of a registrant and who do not make expenditures that are reportable pursuant to Subpart C of this Part even though receiving expense reimbursement for such occasional appearances. (Section 4 of the Act) Examples include, but are not limited to the following:

1) A law firm (or individual lawyer if the firm is a registered entity) that prepares a contract for a client that is lobbying for a purchasing agreement. The firm's or lawyer's contact with officials shall be limited to the explanation of the contract terms, and shall not attempt to influence the procurement of the contract.

2) An engineering firm (or individual engineer if the firm is a



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registered entity) that prepares a technical analysis on structural performance or operational capability which is used in the preparation for, or negotiation of, a bid or any other executive or administrative action. The firm's or engineer's contact with officials shall be limited to the explanation of the analysis, and shall not attempt to influence the procurement of the bid.

e) Employees of the General Assembly, legislators, legislative agencies and legislative commissions.

f) Persons who are employees of departments, divisions, or agencies of State government, and who appear before committees of the House and Senate for the purpose of explaining how the passage of or action upon any legislation then pending before such committees will affect said departments, divisions or agencies of State government (Section 4 of the Act). No communication by a department, division, agency of employees thereof acting within the scope of their employment regarding any executive, legislative or administrative action shall be construed as lobbying activities requiring a department, division or agency of State government or its employees to register under this Part. Persons who possess technical skills and knowledge relevant to certain areas of executive, legislative or administrative actions whose skills and knowledge would be helpful to officials regardless of whether such assistance was requested when considering such actions whose activities are limited to making occasional appearances for or communicating on behalf of a registrant and who do not make expenditures that are reportable pursuant to Subpart 6 of this Part even though receiving expense reimbursement for such occasional appearances.

g) Any full-time employee of a bona fide church or religious organization who represents that organization solely for the purpose of protecting the right of the members thereof to practice the religious doctrines of such church or religious organization.

h) Persons who own, publish, or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station or other bona fide news medium which in the ordinary course of business disseminates news, editorial or other comment, or paid advertisements which directly urge the passage or defeat of legislation. Persons who receive no compensation from their immediate employer or association other than reimbursement for expenses of up to \$500 per year while engaged in lobbying State government, unless these persons make expenditures that are reportable under Subpart 6 of this Part.

i) This exemption shall not be applicable to such an individual insofar as he receives additional compensation or expenses from some source other than the bona fide news medium for the purpose of influencing executive, legislative or administrative action.

j) This exemption does not apply to newspapers and periodicals owned by or published by trade associations and profit corporations

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engaged primarily in endeavors other than dissemination of news. Any attorney in the course of representing a legal client in any administrative or judicial proceeding in which ex parte communications are not allowed and who does not make expenditures that are reportable under Subpart C, or any witness providing testimony in any administrative or judicial proceeding, in which ex parte communications are not allowed and who does not make expenditures that are reportable pursuant to Subpart C of this Part. The act of representing a legal client in any administrative or judicial proceeding begins with the retaining of legal counsel for that purpose.

j) Persons who, in the scope of their employment as a vendor, regardless of any ownership interest in same, offer or solicit an official for the purchase or lease of any goods or services where:

- 1) said solicitation is limited to either an oral inquiry or written advertisements and informative literature; or
- 2) said goods and services are subject to pre-qualification or competitive bidding requirements of the Illinois Purchasing Act, Architectural, Engineering, and Land Surveying Qualifications Based Selections Act, State Paper Purchasing Act, State Printing Contracts Act, Governmental Joint Purchasing Act, and Minority and Female Business Enterprise Act; or
- 3) said goods and services are for sale at a cost not to exceed \$5,000; and

k) Such persons do not make expenditures that are reportable under Subpart C of this Part. (Section 4 of the Act)

l) National, State, county or local political subdivisions, including municipalities, school districts, and other units of local government, and elected elected or appointed officers or employees thereof who, within the scope of their public office or employment, lobby exclusively for one of the aforementioned units of government of national, state, county or local political subdivisions including municipalities and units of local government, who, independently within the scope of their public or party officer, lobby State government. However, any officer or employee thereof who participates in a Grass-Roots Lobbying Event must report expenditures reimbursed by anyone other than the unit of government he or she represents through a registered entity pursuant to Section 560-325.

m) Any person not previously required to register pursuant to Section 560-319 who engages in a direct lobbying communication on behalf of a registrant, and who does not make reportable expenditures in an aggregate amount in excess of \$100 within a calendar year, shall report to the registered entity using a lobbyist's expenditure Notification Form GR-7, as if the expenditure were made in conjunction with a Grass-Roots Lobbying Event, if the annual aggregate amount of reportable expenditures is in excess of \$100, the person not previously required to register pursuant to Section 560-319 shall register within thirty (30) business days from the date of making the



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## expenditure:

1m) Persons who make incidental contacts with officials at business town meetings, workshops, educational programs, banquets, events, for distribution of awards, or other social functions where executive, legislative or administrative action is discussed openly to the entire group, and who do not make a reportable expenditure pursuant to Subpart C, other than by the sponsoring group providing a meat, gift or honorarium not in excess of \$100. However, a registered entity must report expenses in connection with hosting large gatherings (see Section 560.350) or any gift or honorarium including the price of a meal or travel in connection with an official attending such an event. However, the person or entity sponsoring the event or making a reportable expenditure in connection with the event is not exempt from registering under this subsection.

nn) Individuals or entities employed by Salaried employees of a registered entity or an affiliated group or any other participants of a registered entity or an affiliated group Grass-Roots-Bobbying-Event whose lobbying activity is limited to participation at a Grass roots lobbying event Grass-Roots-Bobbying-Event, and who report expenditures to the registered entity as prescribed by Section 560.325. any-reportable expenditure made in connection with the event. However, persons or entities performing contractual grass roots lobbying communication Grass-Roots-Bobbying-Communication services involved in organizing a Grass roots lobbying event or communication Grass-Roots-Bobbying-Event shall register as a lobbyist pursuant to Section 560.320(b)(2)(A) if there is contact with officials other than the routine communication which is the subject of the contract.

no) Persons who provide professional services, technical skills or perform ministerial functions in conjunction with an executive, legislative or administrative action including advice or analysis offered as a part of providing comments sought to a proposed executive legislative or administrative action. For example, drafting an opinion on a proposed or adopted executive legislative or administrative action as to the construction or effect of that proposed action or rendering technical advice on the performance or operational capability of a piece of equipment during contract negotiations shall not subject a person to register pursuant to this Part. Similarly, ordinary ministerial functions which by their very nature, require routine written correspondence or contact with officials shall not subject a person to register pursuant to this Part. (for example, an assistant arranging an appointment between a lobbyist and an official). However, any direct lobbying communication by a hired lobbyist whether or not in conjunction with a reportable expenditure is considered an effort to influence requiring that person and that person's employing entity to register pursuant to this Part.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 560.220 Registration Requirements

a) Every person required to register under Section 560.200 shall register each and every year, or before any such service is performed which requires the person to register. No person shall engage in lobbying or employ any person for the purpose of lobbying who is not registered with the Office of the Secretary of State except on condition that the person register and the person does in fact register within ten (10) working days of an agreement to conduct any lobbying activity (Section 5 and Section 3(b) of the Act). Every registered entity shall designate a person as an authorized agent Authorized-Agent (see Sections 560.100 and 560.205) who shall be responsible for reporting under this Part. A registrant may assume the position of Authorized-Agent for reporting purposes under this Part. A registrant may hire a person as Authorized-Agent who need not be a registered lobbyist to prepare reports for the registered entity.

b) The authorized agent A person engaged in lobbying shall file an Entity a-Bobbyist Registration Statement and an appropriate attachment(s) Exclusive Lobbyist Information Statement for all persons who lobby exclusively for the entity even if lobbying is a small percentage of that person's job duties. The authorized agent Registrants shall use official forms or copies thereof for the submission of registration statements (see Section 560.405).

1) Lobbying on own behalf

A) A lobbying entity employing a lobbyist on its own behalf shall file a Bobbyist-Registration-Statement-Form-R1 along with appropriate Bobbyist-Registration-Attachment-R1/R2.

B) A Bobbyist-Registration-Attachment-R1/R2 must be filed with the Bobbyist-Registration-Statement for each individual who is self-employed or employed with a lobbying entity on a full-time or part-time basis in a position performing services on behalf of the employer/self.

2) Lobbying on behalf of others

A) A lobbying entity who performs lobbying or Grass-roots lobbying communication services on behalf of another shall file a Bobbyist-Registration-Statement-Form-R2 along with the appropriate Bobbyist-Registration-Attachment-R1/R2.

B) A Bobbyist-Registration-Attachment-R1/R2 must be filed with the Bobbyist-Registration-Statement for each individual who is self-employed or employed with a lobbying entity on a full-time or part-time basis performing contractual lobbying services on behalf of another.

3) Persons solely engaged in Grass-roots lobbying as an employee of a registered entity or an affiliated group participating in a Grass-Roots-Bobbying-Event who make a reportable expenditure in connection with the event and whose lobbying activity is limited to participation at a Grass-Roots-Bobbying-Event is excluded from registering, but must report all reportable expenditures to the

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- registered entity pursuant to Section 560.325.
- c) Upon the beginning of each calendar year, entities persons required to register under Section 560.200 shall register by January 31 for that year if its lobbyist activities are continuing their employment contractual or otherwise is in effect from the previous year. By December 15 of each year, the Secretary of State Index Department will send to all current authorized agents registrants reminder notices of the January 31 deadline. Any person or entity who has not re-registered by January 31 is deemed not to be engaged in lobbying activities for that calendar year, and will not be sent further notices from the Secretary of State Index Department.
- d) The following information shall be filed in the office of the Secretary of State Index Department: Registration information shall be submitted in the format prescribed in Appendix A, and shall contain the following information:
- 1) The name and address of the registrant.
  - 2) The name and address of the person or persons employing or retaining the registrant to perform such services or on whose behalf the registrant appears.
  - 3) A brief description of the executive, legislative, or administrative action in reference to which such service is to be rendered.
  - 4) A picture of the registrant (Section 5 of the Act).
- e) For the purpose of reporting under this Part, a lobbyist is deemed to be employed full time or part time according to the classification given by the person who employs. Full time status does not require the person to be employed only by the registered entity, but that the salary fee or compensation paid to that person is solely attributed to the person's lobbying activity performed for that entity.
- d) Registration statements shall be filed in accordance with the definition of "filing" (see Section 560.100). With the Secretary of State Index Department, 111 East Monroe Street, Springfield, Illinois 62756. Statements may be filed in person between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding official State holidays, or may be sent by mail, if the filing deadline falls on a weekend or official State holiday, the deadline will be extended to the next business day.
- e) All registration statements shall include an annual, non-refundable, non-transferable registration fee, assessed as follows, in the form of a check or money order made payable to the Secretary of State. All persons engaged in lobbying activity shall submit a registration fee along with their registration statement. All registration statements must be accompanied by at least a single annual and non-refundable \$50 registration fee in the form of a check or money order made payable to the Secretary of State. The following persons must register:
- 1) An entity's registration shall include a \$50 registration fee for the entity. However, a self-employed independent contract

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- lobbyist who does not lobby under an assumed business name and who has no employees engaged in lobbying activities may submit a single annual fee of \$50 and need not pay an entity fee. Individuals solely employed by a firm partnership committee association corporation or any other organization or group of persons who are engaged in lobbying on their own behalf on a part-time or full-time basis shall pay a \$50 registration fee to be included with the employer's registration statement.
- 2) An entity's registration shall include a \$50 single, annual, non-refundable, non-transferable registration fee for each person registering as a lobbyist on an Exclusive Lobbyist Information Statement. The entity should submit one check or money order for the total amount owed. For example, an entity registering 5 lobbyists should submit one check for \$300, rather than 6 checks for \$50. Individuals engaged in lobbying on behalf of another pursuant to a contractual agreement shall pay a \$50 registration fee to be included with their individual registration statement or the registration statement of the employing entity engaged in lobbying activity on behalf of another.
- 3) Any lobbying entity who employs a lobbyist whether contractually or otherwise shall submit a registration statement and a separate \$50 registration fee. This \$50 registration fee is in addition to any fees submitted by any lobbyist(s) registering on the employer's behalf.
- f) The Secretary of State Index Department will send an acknowledgment to each authorized agent registrant indicating the date of receipt for all statements delivered by mail or in person. Acknowledgment of complete registration filing will be sent only if the statement meets the definition of "filing" in Section 560.100 is accompanied by the proper registration fee or late filing fee.
- g) Persons solely engaged in grass roots lobbying as an employee of a registered entity or a participant in a grass roots lobbying event who make a reportable expenditure are required to register unless the expenditure is reported to the registered entity pursuant to Section 560.326.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.230 Failure to Register (Repealed)

Failure to file a registration statement within the time designated may constitute a violation of this Part, inadvertent error or omission in the filing of a registration statement shall not be deemed as a willful failure to file or a willful filing of false or incomplete information if due diligence can be shown. The Secretary of State Index Department shall notify by certified mail the person or the Authorized Agent for any person upon whom a written inquiry pursuant to Section 560.400(e) has been made regarding a



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person who is not registered--The person or Authorized Agent for a registrant as the case may be--shall respond within thirty (30) days by registering or providing a statement indicating that such person is not required to register under these rules:

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: REPORTING REQUIREMENTS

## Section 560.300 Persons Required to File Expenditure Reports

- a) Except as otherwise provided in this Section, every person required to register as prescribed in Section 560.200 shall report under oath to the Secretary of State all expenditures for lobbying made or incurred by the lobbyist on his behalf or the behalf of his employer (Section 6 of the Act). For the purpose of this Subpart, "expenditures" shall refer to reportable expenditures made on behalf of officials in the four categories described in Section 6 of the Act and Section 560.310. Expenditures shall be reported in the format prescribed in Appendix B.
- b) In the case where an individual is solely employed by another person to perform job related functions, any part of which includes lobbying, the employer shall be responsible for reporting all lobbying expenditures incurred on the employer's behalf as shall be identified by the lobbyist to the employer preceding such report (Section 6 of the Act). The authorized agent for each registered entity shall file one expenditure report that includes all expenditures made by persons who lobby exclusively for that entity, and reimbursed expenditures made by persons who do not lobby exclusively for that entity. Lobbyists shall submit their expenditure information to the authorized agent for their registered entity, and shall not file separate expenditure reports. Persons who are required by Subpart B to register must register before making reportable expenditures for or on behalf of officials. For expenditures in excess of \$100, the registrant's report shall identify the individual who incurred the expenditure on the employer's behalf (see Section 560.305 (a)). This report shall be filed in the format prescribed by Appendix B.
- c) Persons and entities that do not lobby exclusively for one registered entity shall report all expenditures which were not reimbursed by employers (i.e., clients), including expenditures to establish goodwill with officials which were not on behalf of a client. Contractual lobbyists shall report all non-reimbursed expenditures. Employers shall report all expenditures reimbursed to the contractual lobbyist as if the expenditure were made directly to the recipient of the expenditure (see 560.100--"Recipient of Expenditure")--The employer need not report any salaries, fees or other compensation to the contractual lobbyist (see Section 560.360).
- d) Any additional lobbying expenses incurred by the employer which are

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separate and apart from those incurred by the contractual employee shall be reported by the employer. (Section 6 of the Act)  
 d) Participants in grass roots lobbying events who make reportable expenditures shall file reports as prescribed by Section 560.325. The registered entity initiating or sponsoring a Grass-Roots Lobbying Event shall report all such reportable expenditures for or on behalf of an official made by participants in the grass-roots lobbying for or on behalf of an official made by participants in the grass-roots lobbying event under Subpart C of this party whether reimbursed or not as a part of its lobbying expenses reportable for that period (see Section 560.325 and 560.355). The reporting of such expenditures will be accomplished by filing with the Secretary of State an Index-Department of the Grass-Roots Lobbyist Form GR-returned by the participants to the registered entity. The filing of all participants' grass-roots lobbying forms will be included with the filing of the lobbyist's expenditure report for the next reporting period.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.305 Time, Place and Manner for Filing Expenditure Reports

- a) A semi-annual report under this Section shall be filed by July 31, for expenditures from the previous January 1 through the later of June 30 or the final day of the regular General Assembly session, and an annual report by January 31, for expenditures from the entire previous calendar year January 1 - December 31 (Section 6 of the Act). Registrants shall use official forms for the submission of expenditure reports (see Section 510.405).
- b) Expenditure Reports shall may be filed in accordance with the definition of "filing" (see Section 560.100). Reports may also be faxed to the Index Department at 217/524-0930. Person or by mail between the hours of 9 a.m. and 4:30 p.m. Monday through Friday--at Springfield, Illinois--Department--Ill--East--Monroe--Street--Springfield--Illinois--62756.
- c) The Secretary of State Index Department will mail send to authorized agents registrants an acknowledgment of filing indicating the date of receipt for all reports delivered by mail or in person. An acknowledgment will be sent only if the report is sworn under oath (i.e., notarized,) and meets the definition of "filing" in Section 560.100.
- d) Within thirty (30) ten (10) business days after a reporting deadline, the Secretary of State Index Department shall notify authorized agents send to registrants notification of their failure to file a report.
- e) Any change in address must be submitted in writing to the Secretary of State Index Department within ten (10) business days of the change.
- f) If adjournment of the regular General Assembly session adjourns is

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later than June 30, the filing period for the semi-annual report may be extended accordingly by notice from the Secretary of State Index Department to all Authorized Agents of registered entities.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.310 Categorizing Expenditures

a) Expenditures attributable to lobbying officials shall be listed and reported according to the following categories:

- 1) travel and lodging on behalf of others;
- 2) meals, beverages and other entertainment;
- 3) gifts;
- 4) honoraria.

Note: Public Act 89-405 added Section 2-110 of the Governmental Ethics Act (5 ILCS 420/2-110) to prohibit members of the General Assembly from accepting any honorarium. Other State officials are not affected by this provision (see Section 560.100). The report shall itemize each individual expenditure or transaction over \$100 and shall include the name of the official on whose behalf the expenditure was made, the name of the client on whose behalf the expenditure was made, the total amount of the expenditure, the date on which the expenditure occurred, and the subject matter of the lobbying activity, if any (Section 6 of the Act). If there is no subject-matter--no--subject-matter--pertaining--to--lobbying activities--in--connection--with--an--expenditure--for--or--on--behalf--of--an--official--the--term--"good--will"--should--be--reported--as--the--subject-matter--(see--Appendix-B). Allocation is permitted for determining the itemization threshold (see Section 560.311).

b) The report shall itemize each individual expenditure or transaction over \$100 and shall include the name of the official on whose behalf the expenditure was made, the name of the client on whose behalf the expenditure was made, the total amount of the expenditure, the date on which the expenditure occurred and the subject matter of the lobbying activity, if any (Section 6 of the Act). If there is no subject matter pertaining to the lobbying activity in connection with an expenditure, the term "goodwill" should be reported as the subject matter. Allocation is permitted for determining the itemization threshold (see Section 560.315). Expenditures attributable to lobbying officials shall be listed and reported according to the following categories (see also Appendix-B):

- 1) travel and lodging on behalf of others;
- 2) meals, beverages and other entertainment;
- 3) gifts;
- 4) honoraria.

c) Individual expenditures required to be reported as described herein which are equal to or less than \$100 in value need not be itemized but are required to be categorized and reported by officials (listed--by

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the registrant on Schedule-B, in an aggregate total in the manner prescribed by the Expenditure Report Non-Itemized Schedule Appendix-B (Section 6 of the Act). Allocation is permitted for determining the itemization threshold (see Section 560.315).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.315 Allocating Expenditures

a) For reporting purposes, the registrant may allocate the expenditure or transaction--including--gratuity--by prorating the total cost of the transaction amount among the number of beneficiaries (officials and non-officials).--regardless--of--whether--they--qualify--as--an--official--under--this--Part--Example--if--an--expenditure--or--transaction--is--made--for--a--group--of--fewer--than--twenty-five--(25)--persons--where--non-officials--are--also--beneficiaries--the--total--cost--is--divided--by--the--total--number--of--both--officials--and--non-officials--ergo Example: A lobbyist buys dinner for a group of five persons, two of whom are officials and three of whom are non-officials who are not immediate family members of an official. The for-reporting-purposes--the total cost of the expenditure or transaction is divided by five to compute whether the expenditure is required to be itemized, i.e., exceeds \$100 per beneficiary--or--reported--as--a--non-itemized--expenditure. If each beneficiary's share is \$100 or less, the transaction is reported as a non-itemized expenditure.

b) Alternatively, when the transaction includes more than one beneficiary (officials and non-officials), the registrant may report the exact amount expended for or on behalf of an any-individual official--adding the gratuity--by prorating the total--gratuity--among--the--number--of--beneficiaries--both--officials--and--non-officials.

c) To be included in the allocation calculation, the lobbyist(s) must be present and participating at the event where the expenditure occurred. If lobbyists for more than one registered entity divide the bill for a single transaction, each lobbyist must report an expenditure for each official in attendance. When two or more lobbyists divide the bill for an expenditure or transaction--as--in--the--example--above--each--must report their shared portion of the amount expended--as--required--in--this Part--however--when--the--division--of--multiple--payors--brings--the allocated amount below the itemization threshold--the expenditure--must be reported in Schedule-A as itemized--regardless--of--whether--the--amount divided is in excess of \$100.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.320 Hosting Large Gatherings and Giveaways



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- a) Expenditures incurred for hosting receptions, benefits and other large gatherings held for purposes of goodwill or otherwise to influence executive, legislative or administrative action to which there are twenty-five (25) or more State officials invited shall be reported as prescribed in Appendix-B, listing the total amount of the expenditure, the date of the event, the estimated total number of persons in attendance (officials and non-officials), and the estimated number of officials in attendance. (Section 6 of the Act)
- b) A general description of the event and the number of invitations delivered may constitute sufficient evidence that the expenditure need not be itemized and that the event has been properly categorized under this Section. Example: the fact that all of the members of the General Assembly are invited to an event may constitute sufficient evidence that the event is properly reported under this category.
- b)(c) Expenditures incurred for generic gifts or product samples for goodwill or otherwise to influence, executive, legislative or administrative action where to which there are 25 or more officials receive receiving substantially identical items shall be reported by listing only the total amount of the expenditure, a description of the gift or product sample, the date of purchase or distribution and the estimated number of officials receiving the item. The reportable cost for product samples should be the market price of the product, or if it is not presently being sold, its estimated value.
- c) Options for reporting large gatherings and giveaways that are sponsored by more than one entity:
- 1) If all sponsors are registered, the total cost of the gathering may be prorated, and each entity's share reported on its own expenditure report. Each entity shall report the information required in subsection (a) of this Section. Alternatively, each sponsor may report the actual amount of its contribution instead of the prorated amount.
  - 2) If one or more of the sponsors are not registered, all sponsoring entities may unite to register an umbrella entity for the purpose of reporting the gathering or giveaway. The umbrella entity reports the information required in subsection (a) of this Section. A registered sponsor need not report the event on its expenditure report. A nonregistered sponsor whose lobbying activities are limited to this sponsorship need not register separately. Alternatively, nonregistered sponsors may register and report as described in subsection (c)(1) of this Section.
  - 3) A nonregistered sponsor who is a member of a registered association may report the expenditure through the association by filing an Expenditure Report Large Gatherings or Giveaways Schedule, along with a Grass Roots Lobbying Statement, with the association's authorized agent. The sponsor may use this option only when the association co-sponsors the event or consents to attach the forms to its expenditure report.
  - d) A nonregistered sponsor of a large gathering or giveaway held at a

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national or multi-state conference or seminar at which Illinois officials are expected to attend need not register if its lobbying activity is limited to sponsorship of this event, provided that all persons who register for the conference are invited to the gathering or offered the giveaway item. A sponsor that is already registered under the Act must report expenditures on behalf of Illinois officials to the extent feasible.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 560.325 Reporting Expenditures by Participants in Grass Roots Lobbying Events

A Any participant in a grass roots lobbying event (as defined in Section 560.100) Grass-Roots-Lobbying-Event who makes a reportable expenditure shall file a Grass Roots Lobbying Statement with the authorized agent of return-to the sponsoring entity within a-Grass-Roots-Lobbying-Form--GR17--disclosing--any expenditure--made--for--or--on-behalf--of--an-official--no-later--than thirty (30) days from the date of the event. The form shall include the name, residence address, and telephone phone number of the participant making the expenditure, the name-of--the--recipient--of--the--expenditure, the total amount of the expenditure, and the name and title of separating-the-amount-of-gratuity--if possible--the-total-number-of-persons--including-officials--benefiting--from--the expenditure--naming each official, with--title--benefiting--from--the--expenditure, and--the--subject--matter,--if--any--of--the--direct--lobbying--communications.--An individual--who If a participant fails to return to the sponsoring entity a Grass Roots Lobbying Statement Bobbyist-Form-GR1 disclosing any expenditure made for or on behalf of an official, or if the registered entity disclaims sponsorship of the event, the participant will be subject to the registration provisions of Section 560.200.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 560.326 Registrant's Duties for Grass Roots Lobbying Events

Registered entities that sponsor a grass roots lobbying event shall be required to inform the participants in writing that any reportable expenditures incurred must be disclosed to the authorized agent of the registered entity. The authorized agent shall distribute a Grass Roots Lobbying Statement to those participants deemed to have made a reportable expenditure. The authorized agent shall report grass roots lobbying expenditures by filing as an addendum to the sponsoring entity's report any Grass Roots Lobbying Statements received from participants pursuant to Section 560.325.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 560.330 Expenditures for Immediate Family Members of Officials

- a) Each individual expenditure required to be reported shall include all expenses made for or on behalf of state officials and members of the immediate family of those persons if the expenditure was made with the intent to influence the official or to promote business goodwill (Section 6 of the Act). The expenditure shall be reportable as if the expenditure were made to the official.
- b) "Immediate family member" shall be defined as a spouse or dependent child of the official.
- c) When a lobbyist registrant is invited to, attends, or acknowledges a gathering that is neither political nor of a business nature where it is customary to give a gift or memorial, e.g., a wedding, hospital stay, funeral, anniversary, graduation, birthday, or holiday celebration, and the gift or memorial is not in excess of \$100, the gift or memorial regardless of whether it is for or on behalf of the official or his or her immediate family member need not be reported under this Part.
- d) Expenditures by a lobbyist for or on behalf of an official who is a member of the lobbyist's immediate family need not be reported under this Part.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.340 Travel and Lodging Accommodations for Officials

- a) Under the category of travel and lodging, reports shall include, but are not limited to, all travel and lodging accommodations provided free of charge to or on behalf of an official during sessions of the General Assembly when the official would otherwise have to incur the expense on his or her own behalf. (Section 6 of the Act) However, de minimis travel incurred within the legislator's district or any trip elsewhere under 20 miles need not be reported.
- b) Examples of reportable expenditures:
- 1) a lobbyist gives a ride to an official from Chicago to Springfield;
  - 2) a lobbyist furnishes an official with lodging accommodations at the lobbyist's home, or at a hotel/motel, other lodging accommodations regardless of whether the accommodations are if located in Illinois.
  - c) For any travel or lodging in which the official shares accommodations or accompanies the lobbyist registrant and no direct expenditure is made for either lodging or carrier, the expenditure must be reported at market value; e.g., the price of comparable airfare (either commercial or charter), mileage reimbursement or lodging rate allowed by the State of Illinois Travel Regulation Board for members of the General Assembly.

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(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.350 Personal and Office Expenses

- a) Reasonable and bona fide expenditures made by the registrant for personal sustenance, lodging and travel not on the behalf of an official, office expenses and clerical or support staff need not be reported (Section 6 of the Act) regardless of whether the goods or services are purchased or leased from an entity in which an official has an ownership interest.<sup>7</sup>
- b) Expenses relating to the development, production or distribution of any invitation, announcement, newsletter or grass roots lobbying communication, regardless of whether the communication is sent to shareholders, affiliated members, employees, agents, constituents--or officials, need not be reported.
- c) Expenses arising from a in--relation-to-any communication by a candidate or political committee in relation to the candidate's campaign, or other communications by a political party committee registered with the Illinois State Board of Elections or Federal Election Commission, need not be reported.
- d) Any communication by a political committee registered with the Illinois State Board of Elections or Federal Election Commission in connection with a question-of public policy referendum to be presented to the electors need not be reported.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.355 Registrant's Duties for Grass Roots Lobbying Events (Repealed)

Registrants--initiating--or--sponsoring--a--Grass-Roots-Lobbying-Event--shall-be required-to-inform-the-participants-in-writing-that-any-reportable-expenditures incurred-under-Subpart-G-must-be-disclosed-to-the-registered-entity--The Authorized-Agent--shall-make--available-to-any-participant-and-distribute-to those-participants--deemed-to-have-made-a-reportable-expenditure--a-Grass-Roots-Lobbying-Form-GRI-for-relaying-such-expenditures-to-the-sponsoring-entity--The registered-entity--sponsor--shall-report-all-such-expenditures--whether reimbursed-or-not--by-filing-with-the-Secretary-of-State--index--Department--any lobbyist--expenditure--notification--Form-GRI--returned--by--participants disclosing-what-the-participant-spent-on-behalf-of-officials-in-connection-with a-Grass-Roots-Lobbying-Event--pursuant-to-Section-560.325--Any-Grass-Roots-Lobbying-Form--shall-be-fitted-as-an-addendum-to-the-registered-entity's-lobbyist expenditure-report

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 560.360 Salaries, Fees and Compensation

Salaries, fees, and other compensation paid to the lobbyist registrant for the purpose of lobbying, and not as a direct reimbursement for a reportable activity related to a reimbursable expenditure, need not be reported by the lobbyist. However, the employer's report shall include a direct reimbursement of a lobbyist's reportable expenditure, regardless of whether that individual is an employee of, or has an ownership interest in, the firm, partnership, committee, association, corporation, or any other organization or group of persons. Reimbursable expenditures are reportable by the firm, partnership, committee, association, corporation, or any other organization or group of persons.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.365 Contributions Reported Under the Election Code

- a) Any monetary or in-kind contribution made by a person or political committee pursuant to Article 9 of the Election Code [410 ILCS 5/Art. 9] or either monetary or in-kind, as well as any monetary or in-kind expenditure made by a political committee need not be reported. Tickets purchased for a candidate's fundraiser need not be reported. Regardless of whether a lobbyist gives a ticket to an official.
- b) Any expenditure by a political committee other than a single candidate or political party relating to travel and lodging; meals; beverages, or entertainment; and gifts or honoraria, made for or on behalf of an official, which is not provided in return for a contribution of equal or greater value by an official to the political committee must be reported. However, the political committee need not register independently if its activities are directed by a registered entity.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.370 Returned Gifts and Honoraria/Reimbursement by Official

Gifts and honoraria returned to the registrant within thirty (30) days of the date of receipt need not be reported (Section 6 of the Act). Additionally, any reportable expenditure for which the official reimburses the lobbyist or registered entity within the reporting period need not be reported. A registrant's reports listing gifts or honoraria which have been returned, or other expenditures which have been reimbursed, shall be amended pursuant to Section 560.380, or in lieu of amending the report, the authorized agent registrant may choose to submit a letter of explanation. The amendment shall be filed no later than thirty (30) days from the authorized agent's receipt of the notice of nonacceptance by the official. An official may submit a letter of clarification to the Secretary of State.

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Department to be filed with a lobbyist's expenditure report contesting the disclosure of an expenditure attributed to benefit an official. A letter of clarification will be forwarded to the registered entity who must respond in writing within thirty (30) days of receipt of the notification of the letter of clarification. The Secretary of State will send all notices by certified mail and file the response letter from the registered entity on file with the original letter of clarification by the official.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.372 Official's Clarification Notice

An official may submit a letter of clarification to the Secretary of State Index Department to contest an expenditure attributed to him or her. The clarification notice will be forwarded to the registered entity who shall respond in writing within thirty (30) days after receipt of the notification of the letter of clarification. The official's clarification notice and the registered entity's response shall be public information.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.375 Reports in the Absence of Reportable Expenditures

Registered entities that Registrants who made no reportable expenditures during a reporting period shall file an Expenditure Summary Report a report stating that no expenditures were incurred (Section 6 of the Act). All items shall be completed on the form Schedule SI attached as Appendix B. If none. Such reports shall be completed and filed in accordance with Sections 560.100 and 560.305 the deadlines as prescribed in this Subpart.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.380 Amending Reports

Any change or error in information previously submitted in a statement or report shall be disclosed by completing and filing an amended statement or report within thirty (30) business days following such change or discovery of the error.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.385 Termination of Lobbying Activities

- a) To terminate the registration of an entity, the authorized agent may



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file with the Secretary of State Index Department a written notification of the termination of lobbying activities and a final expenditure report covering the period of time since the filing of its last report to the date of termination, as determined by the entity. Any registrant except those indicated in subsection (b) of this Section who terminates the employment or duties which required him or her to register under this Part shall give the Secretary of State Index Department within thirty (30) days after the date of such termination, written notice of such termination and shall include a report of the expenditures described herein, if not employed by a registered entity covering the period of time since the filing of his or her last report to the date of termination of employment. If the lobbyist is employed by the registered entity lobbying on behalf of another person terminating shall provide all reportable expenditures to the Authorized Agent for reporting at the next filing period unless the lobbyist partnership or committee association corporation or any other organization or group of persons terminates lobbying activities. Such notice and report shall be final and relieve said registrant of further reporting under this Part unless and until he or she takes employment or assumes duties requiring registration under this Part. (Section 6 of the Act) Alternatively, a registered entity may terminate its lobbying status by permitting the registration to expire on December 31, and not re-registering for the next calendar year. A registered entity that does not renew its registration is still required to file an annual expenditure report pursuant to Section 560.305.

- b) To terminate an individual lobbyist from a registered entity, the authorized agent shall submit written notification within 30 days after termination that the lobbyist no longer lobbies for that entity. The authorized agent shall include any reportable expenditures incurred by that lobbyist prior to termination in the entity's next report. Registrants who are solely employed by a firm partnership committee association corporation or any other organization or group of persons lobbying on their own behalf shall submit a letter indicating that he or she no longer lobbies for that entity. No reporting of expenditures is due until the next filing period unless the firm partnership committee association corporation or any other organization or group of persons terminates lobbying activities.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 560.390 Failure to File Registration Statements and Expenditure Reports

Failure to file a statement or any such report within the time designated, or the reporting of incomplete information, may constitute a violation of this Part. Inadvertent error or omission of a material nature in the completion of a

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report statement or document shall not be deemed as a willful failure to file or a willful filing of false or incomplete information if due diligence can be shown. Within ten (10) days after a filing deadline, the Secretary of State Index Department shall notify by certified mail the authorized agent of the Agent for any registered entity that registrant who is deemed required to file, but has failed to do so. (Section 7 of the Act)

- a) A registered entity that Any person who is required to file a registration statement or expenditure report, and who has not filed by the deadlines prescribed in this Part, is subject to the following late filing fees:

- 1) Filings received within fifteen (15) days of a filing deadline shall be accompanied by a \$50 late filing fee;
- 2) A registered entity that Any registrant who fails to file within 15 days shall be subject to a penalty of \$100 which shall be in addition to the \$50 late filing fee specified above;
- 3) A registered entity that Any person who registers within 30 days of a deadline for filing expenditure reports may file such report within 30 days of the deadline without a late filing fee or penalty. Such entity person is subject to the fee schedule above for filing statements and reports later than the 30 day extension.

- b) For good cause shown, the Director of the Index Department may extend the time for compliance for an additional thirty (30) days after the date of the filing deadline. No further extensions of time shall be given. Examples of such extenuating circumstances include, but are not limited to the following:

- 1) inadvertent data erasure or computer malfunction;
- 2) hospitalization of the authorized agent Authorized Agent;
- 3) vacancy in the position of an Authorized Agent;
- 3) loss of original receipts provided to the authorized agent Authorized Agent resulting from fire, flood, or other act of nature. Receipts must be replaced by the lobbyist's individual registrant's copies.

- c) A registered entity will be liable for the late filing fee and penalty if it does not receive notifications from the Secretary of State's Office due to the entity's failure to inform the Index Department of a change of address or authorized agent.

- d) Copies of all records shall be maintained by the Index Department for inspection by the Attorney General or appropriate State's Attorney in the course of his or her activities under Section 11 of the Act.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 560.395 Preservation of Records

- a) A lobbyist registrant shall preserve for a period of two (2) years from the filing date copies of all receipts and records forwarded to



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the Authorized Agent which were used in preparing reports under this Part. (Section 6 of the Act)

- b) The authorized agent pursuant to Section 19 of the Act, the Authorized Agent shall preserve for a period of two (2) years the original copies of the following receipts and records as itemized below:

- 1) The total of all expenditures made for or on behalf of officials in connection with lobbying activities;
- 2) the full name and mailing address of any recipient of expenditures if subject to itemization;
- 2 1/2) Proof of payment of statement of participation for every expenditure in excess of \$100;
- 3) 1/4) The allocation formula used in prorating the proportion of expense(s) incurred for or on behalf of an official when an expenditure or transaction is made for more than one (1) official, but fewer than twenty-five (25);
- 4) 5) A list of the officials invited to a large gathering in order to constitute sufficient evidence that the event is properly reported under this category.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: PUBLIC DISCLOSURE

## Section 560.400 Requests for Reports

- a) All requests to view or copy statements or expenditure reports and lists of registrants shall be made in person or submitted in writing. Copies must be paid for in advance (see Section 560.420).
- b) All statements and reports filed under this Part with the Secretary of State Index Department shall be available within four (4) business days from the filing date for examination and copying by the public during regular business hours (see Section 560.402) at all reasonable times.

- c) The Secretary of State Index Department shall certify respond-to written inquiries with a certificate that an entity or individual is or is not registered pursuant to the Lobbyist Registration Act. The written such inquiry shall include the name and address of the person submitting the request and the name and address of the individual requested and their registered entity, if applicable.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.402 Location and Business Hours

The Office of the Secretary of State Index Department is located at 111 East Monroe Street, Springfield, Illinois 62756, and shall be open Monday through

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Friday, each day except Saturdays, Sundays and State legal holidays from 8:00 a.m. to 4:30 p.m., except on State legal holidays.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.405 Official Forms

Registered entities lobbyists are required to use only the official forms or photostatic copies of official forms and appropriate schedules approved by the Secretary of State Index Department when filing any lobbyist registration statements or reports.

- a) Copies of official forms may be obtained from the Index Department.
- b) Alternative methods of reporting are prohibited unless prior written approval has been received from by the Director of the Index Department.
- c) Prior written approval will be given based on the compatibility of alternative methods with the Index Department's public disclosure procedures.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.410 List of Officials

The Secretary of State Index Department shall maintain and make available to registrants a list of position titles deemed by their employing Constitutional Officers to be officials under this Part. The Constitutional Officers may provide this list to the Index Department on an annual basis or as amendments are required. The Secretary of State Index Department shall mail an updated list of officials to all authorized agents registrants when notifying them of their responsibility to re-register each calendar year and again during the course of the year if any amendments are made.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 560.420 Fees

Expenditure reports and lists of registrants shall be made available to the public at the following fees:

- a) Paper copies of the list of registrants shall be available free of charge. This list is available on computer disk for \$10.
- b) Copies of statements or expenditure reports shall be available for \$.50 per page or per microfiche diazo. Only the authorized agent for a registered entity may obtain a free copy of that entity's statements or reports.
- c) There is no charge to inspect materials filed at the Secretary of

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

State Index Department, 111 East Monroe Street, Springfield, Illinois 62756.

- d) Certification that an entity or individual is or is not registered pursuant to the Lobbyist Registration Act shall be available for \$2.00.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

## Section 560. APPENDIX A Lobbyist Registration Statements

Section 560. ILLUSTRATION A Form R1: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Employing a Lobbyist on Their Own Behalf (Repealed)



**LOBBYIST REGISTRATION STATEMENT**  
FOR INDIVIDUAL/FIRM/PARTNERSHIP/COMMITTEE/ASSOCIATION/CORPORATION  
OR ANY OTHER ORGANIZATION EMPLOYING A LOBBYIST ON THEIR OWN BEHALF

FORM  
R1

☐ This amends a previous attachment

Name and address of lobbyist: \_\_\_\_\_

Name and address of registrant: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip code \_\_\_\_\_

Telephone \_\_\_\_\_

Fax \_\_\_\_\_

Let number and date of registration appear in title of report submitted.

☐ Name and address of the Authorized Agent

who is responsible for filing reports on behalf

of the registrant(s). An Authorized Agent need not be a

registrant subject to penalty reports for a registration entry.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip code \_\_\_\_\_

Telephone \_\_\_\_\_

Fax \_\_\_\_\_

Let number and date of registration appear in title of report submitted.

☐ A brief description of the executive, legislative or administrative action in reference to which the

person or persons employing or retaining registrant(s) to perform such services are to be

rendered (include attachment if appropriate).

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

Legislative and/or Executive Administrative \_\_\_\_\_

SIGNATURE OF AUTHORIZED AGENT OR LOBBYIST

DATE OF CERTIFICATION

SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

Section 560. ILLUSTRATION B Form R2: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Who Performs Lobbying Services on Behalf of Another [Repealed]



# LOBBYIST REGISTRATION ATTACHMENT

FOR INDIVIDUAL LOBBYIST IDENTIFICATION

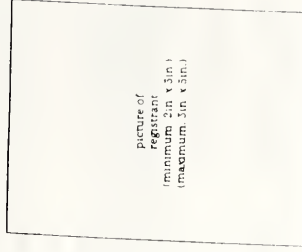
ATTACHMENT  
R1  
R2

## I This amends a previous attachment:

(None only, if this amends a previous filing.)

## 1 Name and address of registrant:

Name \_\_\_\_\_  
 Residence Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Business Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Telephone (\_\_\_\_\_) \_\_\_\_\_  
 Facsimile (\_\_\_\_\_) \_\_\_\_\_  
 List additional names with no space to appear in the list of registrant addresses.



## II Name and address of registrant employing person to perform such services:

1. If the registrant is an individual, the name and address of the employer, including the name and address of the person performing such services, as indicated in Part I of the Lobbyist Registration Statement.  
 2. If the registrant is a firm, partnership, committee, or other organization, the name and address of the person performing such services, as indicated in Part I of the Lobbyist Registration Statement.  
 3. If the registrant is a firm, partnership, committee, or other organization, the name and address of the person performing such services, as indicated in Part I of the Lobbyist Registration Statement.

## DECLARATION

I declare that I will provide the Authorized Agent with a true and correct copy of the original copy of the expenditure records in sufficient time for the preparation of expenditure reports, and preserve the same for the period of two years.

SIGNATURE OF INDIVIDUAL LOBBYIST REGISTRANT

DATE OF DECLARATION

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Section 560, ILLUSTRATION C Attachment R1/R2: Lobbyist Registration Attachment  
- For Individual Lobbyist (Repealed)



**LOBBYIST REGISTRATION STATEMENT**  
FOR INDIVIDUAL, FIRM, PARTNERSHIP, COMMITTEE, ASSOCIATION OR ANY  
OTHER ORGANIZATION WHO PERFORMS LOBBYING SERVICES ON BEHALF OF ANOTHER

☐ Lobbying Services ☐ Grass Roots Lobbying Communication Services  
List all natural or artificial persons, firms, partnerships, associations or other organizations  
which are or were for the purpose of obtaining or attempting to obtain legislation or  
other action on behalf of a registered lobbyist. Include the lobbyist's name, address,  
and telephone number.

☐ This amends a previous attachment:  
Name and address of registrant \_\_\_\_\_  
Name and address of lobbyist \_\_\_\_\_  
Date Services Began \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
If Successful: ☐ Full Time ☐ Part Time  
If Continued: Name of Registered Lobbyist \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Telephone ( ) \_\_\_\_\_  
Facsimile ( ) \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

**I** Name and address of the Authorized Agent  
who is responsible for filing reports on behalf of the  
registrant(s) \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

**II** Name and address of the Authorized Agent  
who is responsible for filing reports on behalf of the  
registrant(s) \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

**III** Name and address of the client retaining registrant(s) to perform such services or on whose behalf  
the registrant(s) appears, with a brief description of the executive, legislative or administrative  
action in reference to which such service is to be rendered, include the name of the person, office, position,  
and the nature of the action.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
List all natural persons who appear in the list of registered lobbyists.



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

Section 560. ILLUSTRATION D Form R3: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Lobbyists (Repealed)



LOBBYIST REGISTRATION ATTACHMENT  
FOR ADDITION OR DELETION OF AFFILIATED INDIVIDUALS

ATTACHMENT  
**R3**

List salaried or contractual individuals performing lobbying or grass roots lobbying services on behalf of a registered entity.  
(An individual lobbyist registration attachment form R3 must be received for adding affiliated lobbyists) Pursuant to Section 5 of the  
Lobbyist Registration Act, Persons required to register shall submit a single, annual and non-refundable \$50 registration fee.)

☐ Commence ☐ Terminate Service Date / / ☐ Salaried ☐ Full Time ☐ Part Time  
☐ Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / ☐ Salaried ☐ Full Time ☐ Part Time  
☐ Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / ☐ Salaried ☐ Full Time ☐ Part Time  
☐ Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / ☐ Salaried ☐ Full Time ☐ Part Time  
☐ Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / ☐ Salaried ☐ Full Time ☐ Part Time  
☐ Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / ☐ Salaried ☐ Full Time ☐ Part Time  
☐ Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / ☐ Salaried ☐ Full Time ☐ Part Time  
☐ Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / ☐ Salaried ☐ Full Time ☐ Part Time  
☐ Contractual Name of Registered Entity

## CERTIFICATION

I verify that the information contained in this report is true, complete and accurate, and that I am the authorized agent responsible for reporting.

SIGNATURE OF AUTHORIZED AGENT OR LOBBYIST

DATE OF CERTIFICATION

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

Section 560. ILLUSTRATION E Form R4: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Clients (Repealed)



LOBBYIST REGISTRATION ATTACHMENT  
FOR ADDITION OR DELETION OF AFFILIATED CLIENTS

ATTACHMENT  
R4

List client's information for whom lobbying services on their behalf are being performed by the registrant. (Name and address of the person or persons employing or retaining registrant to perform such services or on whose behalf the registrant is appearing, with a brief description of the executive, legislative or administrative action to which such services are being rendered.)

☐ Commence ☐ Terminate Service Date / / ☐ Commence ☐ Terminate Service Date / /

Name		Name	
Address		Address	
City	State Zip Code	City	State Zip Code
Description		Description	

☐ Legislative and or ☐ Executive Administrative  
☐ Commence ☐ Terminate Service Date / /

Name		Name	
Address		Address	
City	State Zip Code	City	State Zip Code
Description		Description	

☐ Legislative and or ☐ Executive Administrative  
☐ Commence ☐ Terminate Service Date / /

Name		Name	
Address		Address	
City	State Zip Code	City	State Zip Code
Description		Description	

☐ Legislative and or ☐ Executive Administrative  
☐ Commence ☐ Terminate Service Date / /

## CERTIFICATION

I certify that the information contained in this report is true, complete and accurate, and that I am an authorized agent responsible for reporting.

SIGNATURE OF AUTHORIZED AGENT OR LOBBYIST

DATE OF CERTIFICATION

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

## Section 560. APPENDIX B Lobbyist Expenditure Reports

## Section 560. ILLUSTRATION A Form SI: Lobbyist Expenditure Report - Summary of Reportable Expenditures (Repealed)



# LOBBYIST EXPENDITURE REPORT

## SUMMARY OF REPORTABLE EXPENDITURES



Name of Registrant: \_\_\_\_\_

- ☐ Semi-annual Report  
☐ Annual Report  
☐ This amends a previous attachment  
 (Mark only 1 box amends a previous filing)

REPORTING PERIOD

FROM \_\_\_\_\_ TO \_\_\_\_\_

### COMPLETE ALL SECTIONS FOR REPORTING PERIOD:

#### Section 1. TRAVEL AND LODGING ON BEHALF OF OTHERS

- a. Itemized Expenditures (Schedule A) \$ \_\_\_\_\_  
 b. Non-Itemized Expenditures (Schedule B) \$ \_\_\_\_\_

TOTAL TRAVEL AND LODGING \$ \_\_\_\_\_

#### Section 2. MEALS, BEVERAGES AND OTHER ENTERTAINMENT

- a. Itemized Expenditures (Schedule A) \$ \_\_\_\_\_  
 b. Non-Itemized Expenditures (Schedule B) \$ \_\_\_\_\_  
 c. Expenditures for Gatherings (Schedule C) \$ \_\_\_\_\_

TOTAL MEALS, BEVERAGES AND ENTERTAINMENT \$ \_\_\_\_\_

#### Section 3. GIFTS

- a. Itemized Expenditures (Schedule A) \$ \_\_\_\_\_  
 b. Non-Itemized Expenditures (Schedule B) \$ \_\_\_\_\_  
 c. Expenditures for Giveaways (Schedule C) \$ \_\_\_\_\_

TOTAL GIFTS \$ \_\_\_\_\_

#### Section 4. HONORARIA

- a. Itemized Expenditures (Schedule A) \$ \_\_\_\_\_  
 b. Non-Itemized Expenditures (Schedule B) \$ \_\_\_\_\_

TOTAL HONORARIA \$ \_\_\_\_\_

#### SUMMARY FOR REPORTING PERIOD

Total Itemized Expenditures \$ \_\_\_\_\_  
 Total Non-Itemized Expenditures \$ \_\_\_\_\_  
 Total Expenditures for Gatherings \$ \_\_\_\_\_  
 Total Expenditures for Giveaways \$ \_\_\_\_\_

TOTAL EXPENDITURES FOR REPORTING PERIOD \$ \_\_\_\_\_

#### VERIFICATION

I declare that this report (including accompanying attachments) has been prepared by me and to the best of my knowledge and belief is a true, correct and complete report as required by the Laboratory and Government Code. I understand that the penalty for willfully filing a false statement is a business offense with a penalty not to exceed \$10,000.

Submitted to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 State of Illinois Notary Seal

SIGNATURE OF AUTHORIZED AGENT OR LOBBYIST

Notary Public

SECRETARY OF STATE  
NOTICE OF PROPOSED AMENDMENT(S)

Section 560. ILLUSTRATION B Schedule 1A/2A: Lobbyist Expenditure Report -  
Itemized Expenditures for Travel and Lodging or Meals, Beverages and  
Entertainment (Repealed)



**LOBBYIST EXPENDITURE REPORT**  
ITEMIZED EXPENDITURES FOR TRAVEL AND LODGING  
OR MEALS, BEVERAGES AND ENTERTAINMENT



Name of Registrant:

REPORTING PERIOD:

FROM / TO

Full Name and Address of Recipient of Expenditure Made in Excess of \$100	Name and Title of Official Benefiting on Behalf of the Registrant		Date Incurred Amount
Name of Lobbyist Making Expenditure	Subject Matter	Name of Client	
Name	Subject		
	Client		\$
Name	Subject		
	Client		\$
Name	Subject		
	Client		\$
Name	Subject		
	Client		\$
Name	Subject		
	Client		\$
Name	Subject		
	Client		\$
Name	Subject		
	Client		\$
Name	Subject		
	Client		\$

(THIS FORM MAY BE REPRODUCED)

TOTAL TRUL PERIOD \$  
(Last Page Only)

PAGE OF

SECRETARY OF STATE  
NOTICE OF PROPOSED AMENDMENT(S)

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective  
\_\_\_\_\_)



SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Section 560. ILLUSTRATION C Schedule 1B/2B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)



**LOBBYIST EXPENDITURE REPORT**  
NON-ITEMIZED EXPENDITURES FOR TRAVEL AND LODGING  
OR MEALS, BEVERAGES AND ENTERTAINMENT

Schedule  
1B  
2B

Name of Registrant:

REPORTING PERIOD

FROM TO

Name and Title of Official Benefiting on behalf of the expenditure made	Aggregate Amount	Name and Title of Official Benefiting on behalf of the expenditure made	Aggregate Amount
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$

(THIS FORM MAY BE REPRODUCED)

TOTAL THIS PERIOD 1  
(Last Page Only)

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NOTICE OF PROPOSED AMENDMENT(S)

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Expenditures for Large Gatherings (Repealed)

LOBBYIST EXPENDITURE REPORT  
EXPENDITURES FOR LARGE GATHERINGS OR GIVEAWAYS



Schedule  
2C  
3C

Name of Registrant:

REPORTING PERIOD

FROM TO

Full Name and Address of Recipient of Expenditure (If Recipient is a Corporation, List for General Description)	List General Description of Gifts or Giveaways. For Gifts valued at \$100 or more, list number of gifts and number of persons invited. If gift is valued at \$100 or more, list date of gift and date of invitation.		Date of event	
	Ind. Market Value		Amount	
	No. of Gifts	No. Invitations		
	Description			
	No. of Gifts	No. Invitations		
	Description			
	No. of Gifts	No. Invitations		
	Description			
	No. of Gifts	No. Invitations		
	Description			
	No. of Gifts	No. Invitations		
	Description			
	No. of Gifts	No. Invitations		
	Description			
	No. of Gifts	No. Invitations		
	Description			
	No. of Gifts	No. Invitations		
	Description			

(THIS FORM MAY BE REPRODUCED)

TOTAL THIS PERIOD \$

(Let Page Over)

PAGE

(Source: Repealed at 20 Ill. Reg. effective )

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Section 560. ILLUSTRATION E Schedule 3A/4A: Lobbyist Expenditure Report - Itemized Expenditures for Gifts or Honoraria (Repealed)



LOBBYIST EXPENDITURE REPORT  
ITEMIZED EXPENDITURES FOR GIFTS OR HONORARIA

Schedule  
3A  
4A

Name of Registrant:

REPORTING PERIOD

FROM TO

Full Name and Address of Registrant or Legatee, Not Within State of Ill. for Gift or Honoraria	General Description of Gift or Honoraria	Name and Title of Official Benefiting on Behalf of the expenditure made	Date of Presentation Amount
Name of Lobbyist Making Expenditure			
Name			\$ / /
Name			\$ / /
Name			\$ / /
Name			\$ / /
Name			\$ / /
Name			\$ / /
Name			\$ / /
Name			\$ / /
Name			\$ / /
Name			\$ / /
Name			\$ / /
Name			\$ / /

(THIS FORM MAY BE REPRODUCED)

TOTAL THIS PERIOD \$  
(Last Page Only)

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NOTICE OF PROPOSED AMENDMENT(S)

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Section 560. ILLUSTRATION F Schedule 3B/4B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Gifts and Honoraria (Repealed)



**LOBBYIST EXPENDITURE REPORT**  
NON-ITEMIZED EXPENDITURES FOR GIFTS OR HONORARIA

Schedule  
3B  
4B

Name of Registrant:

REPORTING PERIOD

FROM \_\_\_\_\_ TO \_\_\_\_\_

General Description of Gifts or Honoraria	Name and Title of Official Benefiting on Behalf of the Reporting Registrant	Estimated Aggregate Value of Gifts or Honoraria
		\$ .
		\$
		\$
		\$
		\$
		\$
		\$
		\$

(THIS FORM MAY BE REPRODUCED)

PAGE \_\_\_\_\_

TOTAL THIS PERIOD: \_\_\_\_\_  
(Last Page Only)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

Section 560, ILLUSTRATION G Schedule GRI: Lobbyist Expenditure Notification - Expenditures in Connection with a Grass Roots Lobbying Event (Repealed)



## LOBBYIST EXPENDITURE NOTIFICATION

SPENT ON BEHALF OF OFFICIALS IN CONNECTION  
WITH A GRASS ROOTS LOBBYING EVENT



Name of Lobbying Entry Sponsoring Event: \_\_\_\_\_

2 This amends a previous attachment \_\_\_\_\_

Name of the lobbyist or lobbyist group: \_\_\_\_\_

1 Name and address of Grass Roots Lobbyist: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone ( ) \_\_\_\_\_

If Name and Address of Recipient of Expenditure \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

III Description of Subject Matter: \_\_\_\_\_

IV Number Benefiting \_\_\_\_\_

Officials \_\_\_\_\_

Non-Officials \_\_\_\_\_

V Expenditures: \_\_\_\_\_

Amount Spent on Event 1 \_\_\_\_\_ Amount of Group 1 \_\_\_\_\_

Total Amount Spent 1 \_\_\_\_\_

## CERTIFICATION

I certify the information contained in this report is true, complete and accurate, and that I made this expenditure in connection with a grass roots lobbying event and that the expenditure was made for the purpose of influencing the legislative process or for the purpose of influencing the legislative process.

SIGNATURE OF GRASS ROOTS LOBBYIST

Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Attest: Illinois Notary Seal

Notary Public

Grassroots Lobbying Event Date \_\_\_\_\_

1-2 minutes per entry

Name and Title of Official Benefiting on behalf of the expenditure made

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: University Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: Proposed Action:  
1600.80 Amending  
1600.Appendix A Repealed
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: This Section currently sets forth the rules of practice for administrative hearings before the Claims Committee of the State Universities Retirement System. The proposed new Section will clarify the procedure to be used in administrative hearings and will simplify the hearing process. The new rule will eliminate duplicate hearings before the Claims Committee, will remove the Executive Director from participation in claims at the staff level, and will, in general, simplify the hearing procedure.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: N/A
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments and views to:

Judith A. Parker  
Deputy Director  
State Universities Retirement System  
P.O. Box 2710  
Champaign, IL 61825-2710

All comments received within 45 days of this issue of the *Illinois Register* will be considered.
- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not for profit corporations affected: This rulemaking will not affect any business



## STATE UNIVERSITIES RETIREMENT SYSTEM

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or not for profit entity. There should be no economic impact. Units of government are not affected.

B) Reporting, bookkeeping or other procedures required for compliance:  
No additional reporting requirements are imposed.

C) Types of professional skills necessary for compliance: No professional skills are relevant to this rulemaking.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the System did not anticipate this rulemaking.

The full text of the proposed amendment begins on the next page:

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

## PART 1600

## UNIVERSITIES RETIREMENT

Section	Definitions
1600.10	Dependency of Beneficiaries
1600.20	Crediting Interest on Employee Contributions and Other Reserves
1600.30	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.40	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.50	Procedures to be followed in Medical Evaluation of Disability Claims
1600.70	Rules of Practice-Nature and Requirements of Formal Hearings
1600.80	Chart Outlining Hearing Procedures (Repealed)
APPENDIX A	

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1600.80 Rules of Practice-Nature and Requirements of Formal Hearings

## a) Proceedings

1) Administrative Determination.  
The administrative staff of the System shall be responsible for the daily claims-processing function of the System, including processing of all claims for benefits or service credit or any other claims against or relating to the System.

2) Review by Associate Executive Director.  
Any participant, annuitant, or beneficiary adversely affected by the disposition of a claim by the administrative staff may file a written request for review by the Associate Executive Director of the System. A request for review by the Associate Executive Director must be submitted within 30 days after the decision from which review is sought. The Associate Executive Director's review will be based upon all materials contained in the file, as well as any additional materials the staff or the claimant wish to submit pertaining to the claim.

## 3) Hearing.

A) Petition. Any participant, annuitant, or beneficiary

## STATE UNIVERSITIES RETIREMENT SYSTEM

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adversely affected by the disposition of a claim by the Associate Executive Director may petition for a Hearing before the Claims Committee. A petition for a Hearing must be submitted to the Executive Director within 30 days after the decision from which review is sought.

- B) Statement of Claim. Upon filing a petition for a Hearing, the claimant shall be informed that he or she is required to file a Statement of Claim, which shall include: the petitioner's name, social security number, and address; the name and address of the petitioner's authorized representative, if any; a statement of the facts forming the basis for the appeal, which may include any new or additional evidence; any documents or other materials the petitioner wishes to be considered in conjunction with the appeal; and an explanation of the relief sought.
- C) Notification. Upon scheduling of a Hearing before the Claims Committee, a petitioner shall be provided with written notice of: the date, time and place of the Hearing; the subject matter of the Hearing; and relevant procedural and substantive statutory and regulatory provisions. Notice of the Hearing shall also inform the petitioner that he or she will be afforded the opportunity to provide a statement of his or her position, present oral or documentary evidence, and conduct such examination and cross-examination of witnesses as is necessary for full and true disclosure of the facts. Notice shall be given to the petitioner that he or she is required to provide written confirmation, at least three days prior to the scheduled date of the Hearing, of his or her intent to appear at the Hearing. The petitioner is not required to appear at the Hearing. In the absence of the petitioner, the Claims Committee will consider the petitioner's Statement of Claim and such other matters as may be properly brought before it at the Hearing.
- D) Pre-hearing Conference. Upon request of the petitioner or upon the decision of the Associate Executive Director, a pre-hearing conference may be scheduled for the purpose of simplification or definition of issues or procedures at the Hearing.
- E) Representation. The petitioner, the System or any interested party may be represented by counsel or a designated spokesperson at the Hearing.
- F) Conduct of the Hearing.
- i) Presiding Officer. The Claims Committee shall choose one of its members to act as Presiding Officer.
  - ii) Procedures. The Presiding Officer shall conduct a full and fair Hearing, avoid delay, maintain order and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish

## STATE UNIVERSITIES RETIREMENT SYSTEM

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these ends, the Presiding Officer shall make all procedural and evidentiary rules necessary for the conduct of the Hearing. As a general matter, the rules of evidence as applied in civil cases in the circuit courts of the State of Illinois shall be followed; however, evidence inadmissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in conduct of their affairs. Any part of the evidence may be received in written form, provided that the interests of the parties will not be prejudiced. Notice may be taken of generally recognized technical facts within the agency's specialized knowledge and the agency's experience, technical competence and specialized knowledge may be used in evaluation of the evidence. Members of the Claims Committee may ask questions necessary for better understanding of the facts or law. The Hearing shall be open to the public unless the Presiding Officer, for good cause shown, shall determine otherwise.

- iii) Record of Proceedings. A record of proceedings shall be kept which shall be in the form of a non-verbatim "bystanders report" and either a stenographic transcription or a tape recording. The Petitioner may obtain a stenographic transcription or a tape recording of the Hearing by making a timely request and paying the actual cost entailed.

## iv) Determination.

Claims Committee Decision. Upon conclusion of all evidence and arguments, the Claims Committee shall, in private deliberation, make its decision as to the disposition of the Claim. The Claims Committee shall render one of the following decisions: affirmation of the administrative action, reversal of the administrative action, or remand of the proceedings to the administrative staff for further consideration. The decision shall be in the form of a recommendation to the Executive Committee of the Board of Trustees.

The Executive Committee of the Board of Trustees will consider the recommendation of the Claims Committee in making the determination for the System as to the disposition of the Claim. The record of proceedings shall be completed upon conclusion of the Hearing of the Claims Committee. No additional arguments or evidence may be presented to the Executive Committee

## STATE UNIVERSITIES RETIREMENT SYSTEM

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by the Petitioner or by the administrative staff. The Executive Committee shall render one of the following decisions: affirmance of the administrative action, reversal of the administrative action, or remand of the proceedings to the administrative staff for further consideration. Remand of the proceedings to the administrative staff by the Executive Committee of the Board of Trustees shall not be considered a final decision. A determination of the Executive Committee of the Board of Trustees either reversing or affirming the decision of the administrative staff shall be a final decision for the purpose of review under the Illinois Administrative Review Act (735 ILCS 5/15).

## b) Claims Committee

The Claims Committee shall be composed of the Executive Director and two additional members chosen by the Board of Trustees. The Committee shall include at least one Board Member. Additional members of the Committee may be selected from the membership of the Board of Trustees, participants in the System, and attorneys licensed to practice in the State of Illinois. In the event that any member of the Committee is unable to serve for any proceeding during his or her tenure on the Committee, the President of the Board of Trustees shall designate a temporary replacement.

a) The Executive Director shall review all applications for benefits and the record and evidence submitted on behalf of the applicant. If he is satisfied that the applicant meets the requirements of the Illinois Pension Code to qualify for the benefit for which he has applied, he shall recommend to the Executive Committee that the benefit be approved. If the Executive Committee approves the application and the amount of the benefit payment, the Executive Director shall pay the benefit to the applicant. If the Executive Committee disapproves the application or the amount of the benefit, the claim shall be referred to the Claims Committee for further consideration.

b) If the Executive Director is of the opinion that the applicant has not met the requirements of the Illinois Pension Code to qualify for the benefit for which he has applied or if he is uncertain that such requirements have been satisfied, he shall submit the claim to the Claims Committee for further consideration.

e) The Claims Committee shall review all claims submitted to it by the Executive Director, the Executive Committee or the Board of Trustees and shall make a recommendation for the initial disposition of the claim to the Executive Director. An applicant may have the initial disposition of a claim reconsidered by the Claims Committee by filing a petition for written appeal with the Executive Director.

d) If the Claims Committee is of the opinion that the applicant has not met the statutory requirements for receipt of the benefits for which he has applied, it shall recommend to the Executive Committee that the claim be approved. If the Executive Committee approves the claim, the

## STATE UNIVERSITIES RETIREMENT SYSTEM

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Executive Director shall pay the benefit to the applicant. If the Executive Committee disapproves the claim, it shall remand the case to the Claims Committee for further consideration.

c) If the Claims Committee is of the opinion that the applicant has not met the statutory requirements to qualify for the benefit, the Executive Director shall notify the applicant that his claim has been disapproved by the Claims Committee. The applicant has a right to file a written appeal under paragraph (f) of this Section.

f) An applicant may file a petition for written appeal with the Executive Director of the System at its Chicago office within 35 days following the date that the applicant receives the notice that his claim has been disapproved by the Claims Committee.

g) A petition for a written appeal shall set forth the name and address of the petitioner, the name and address of his authorized representative if applicable, and a brief statement of the facts forming the basis of such written appeal which must include any new or additional evidence and the relief sought by the petitioner. The Claims Committee shall consider written appeals at the next regular meeting of the Committee or as soon thereafter as is practical. The Claims Committee may call upon the petitioner or his authorized representative at any time for further material or relevant evidence upon any issue. Continuances and extensions of time may be granted by the Claims Committee upon good cause shown. Examples of good cause are illness of the petitioner, attendance of legal counsel, required elsewhere, military service or inability to contact the petitioner. Following the written appeal and the receipt of all supplemental material requested, the recommendation of the Claims Committee, the findings of fact and the conclusions shall be submitted in writing to the petitioner and his authorized representative if applicable, and to the Executive Director.

h) If, following the written appeal, the Claims Committee recommends to the Executive Director that the claim be disapproved, the applicant may file a petition for a hearing by the Claims Committee. This petition shall be filed with the Executive Director of the System at its Chicago office within 35 days following the date the applicant receives the notice that the Claims Committee has denied the written appeal and is recommending that the claim be disapproved.

i) A petition for hearing before the Claims Committee may be informal or formal and shall be presented by letter or other writing. The petition shall set forth the name and address of the petitioner, the name and address of the authorized representative if applicable, and a brief statement of the facts forming the basis of such petition which must include any new or additional evidence and the relief sought. Any petitioner or authorized representative if applicable may appear at a hearing before the Claims Committee.

j) If the applicant files a petition for hearing before the Claims Committee within the period provided by paragraph (i) of this Section, the Executive Director shall send to the applicant a written notice



## STATE UNIVERSITIES RETIREMENT SYSTEM

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which states the time, place, nature of the hearing and the legal authority and jurisdiction under which the hearing is to be held, and a copy thereof shall be filed with each member of the Claims Committee.

k) The Presiding Officer at the hearing before the Claims Committee shall be that member of the Claims Committee who is chosen by that Committee to act as Hearing Examiner. The Presiding Officer shall conduct a full and fair hearing, avoid delay, maintain order, and make sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the Presiding Officer shall make all procedural and evidentiary rulings necessary for the conduct of the hearing. The hearing shall be open to the public unless the Presiding Officer, for good cause shown, shall determine otherwise. An example of good cause would be the reluctance of the petitioner to have his medical history revealed at a public hearing.

l) The applicant and the Executive Director or another member of the Claims Committee are entitled to present their case at the hearing by oral or documentary evidence, to submit rebuttal evidence, and to conduct such examination and cross-examination as may be required for a full and true disclosure of the facts bearing on the issues. If the applicant requests the hearing officer to hold a prehearing conference in order to clarify the issues, such conference shall be held. The issues shall be those stated in the notice required by paragraph (j) of this Section. Those stipulated in a prehearing conference or those agreed by the parties.

m) The applicant shall give written confirmation to the Executive Director of his intention to appear at the hearing at least three days before the hearing is scheduled to convene. Failure to do so, at the discretion of the Presiding Officer, may be deemed a waiver of the right to a hearing. However, if good cause shown, the hearing officer will not deem such failure a waiver. Good cause shall include illness, failure of the notice to reach the party, in time military service or other such instance.

n) Technical rules of evidence shall not apply to hearings conducted pursuant to this rule, but the Presiding Officer shall apply rules designed to assure production of relevant evidence and to subject testimony to such examination and cross-examination as may be required for a full and true disclosure of the facts. The Presiding Officer may exclude irrelevant, immaterial or unduly repetitious evidence. A transcript may be made of the oral evidence and shall be made available to the applicant upon payment of the cost as determined by the Executive Director. All documents and other evidence submitted shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A bystander's record of all hearings shall be prepared by the Claims Committee and shall include the substantive matters of the hearing but shall not purport to be a verbatim transcript of the proceedings. This record shall be made available to the petitioner or

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his authorized representative, if requested, to take the oath, testify, and shall determine whether a verbatim transcript is to be made of the oral evidence or, if a bystander's record of the hearing is to be prepared in lieu of a verbatim transcript. Minutes of the hearing shall be prepared by the Claims Committee and a record of the hearing shall be made available to the petitioner upon payment of the cost as determined by the Executive Director. The hearing shall be open to the public unless the Presiding Officer, for good cause shown, shall determine otherwise. An example of good cause would be the reluctance of the petitioner to have his medical history revealed at a public hearing.

o) If the Presiding Officer determines that the interest of justice would be served, the officer may authorize the taking of depositions. Provided that all parties are afforded an opportunity to object to a deposition, the taking of the depositions. The party who requests the depositions shall arrange for a transcript to be made at the proceedings and, upon request and at his expense, shall furnish all other parties with copies of the transcript.

p) Official notice may be taken of a public document or part thereof such as a statutory official report, decision or opinion, and such document or data may be entered on the report without further proof of authenticity. If the decision of the Presiding Officer rests on an official notice of a material fact not appearing in evidence, a party shall, on timely request, be afforded an opportunity to show the contrary. Whenever possible, documents and exhibits shall be introduced by stipulation of the parties. Originals of documents shall be introduced into evidence with leave of the hearing examiner to substitute copies for the originals. Whenever possible, the parties shall interchange copies of exhibits or other pertinent material before the hearing at which they are to be offered.

q) Each decision of a presiding officer shall set forth the findings of fact and conclusions and shall state whether the officer has accepted or rejected each proposed finding of fact and conclusion submitted by the parties. Findings of fact shall be based only upon evidence submitted to the presiding officer and matters of which official notice has been taken. The decision shall also specify the requirement or requirements which the applicant has failed to meet.

r) Within 35 days after the hearing, before the Claims Committee has concluded the committee shall submit its recommendations to the Executive Committee or the Board of Trustees together with the findings of fact and conclusions. If the Executive Committee or the Board of Trustees disapproves the claim, the Executive Director shall notify the applicant that his claim has been disapproved and that the disapproval is a final decision of the Board of Trustees which is subject to review under the Administrative Review Law, Ill. Rev. Stat. 1991, ch. 115, par. 3-10 et seq. A copy of the findings of fact and conclusions shall be submitted to the applicant with this notice. Recommendations of the Claims Committee shall not be considered final decisions of the Board of Trustees. The Board of Trustees or the Executive Committee, which under the by-laws is authorized to act on behalf of the Board of Trustees, shall make the final decision regarding disapproval of a claim. However, no final decision

## STATE UNIVERSITIES RETIREMENT SYSTEM

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regarding disapproval of a claim shall be taken by the Board of Trustees or the Executive Committee before the Claims Committee has considered the petition for Written Appeal authorized under paragraph (f) and provided the applicant with an opportunity for a hearing as authorized under paragraph (h) unless the applicant fails to meet the conditions for Written Appeal or Hearing set forth in paragraphs (g) through (i) and (m) of this Section. If the applicant fails to meet any of these conditions, the Claims Committee shall recommend to the Executive Committee or the Board of Trustees that the claim be disapproved.

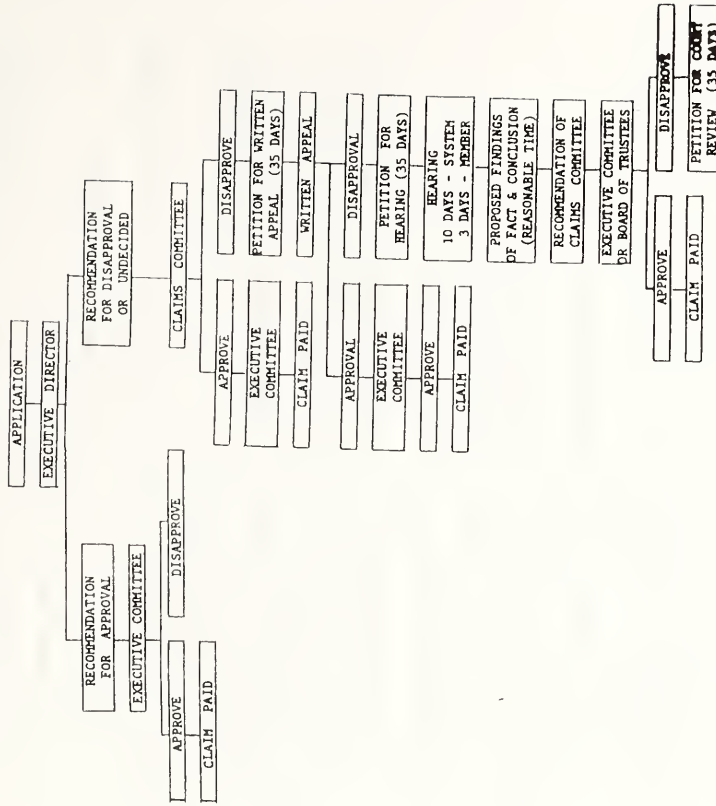
+) The rules of practice and procedures set forth in paragraphs (a) through (s) of this Section shall also be applicable to disputes covering the granting of service and earnings credits, payments by the participants for additional service and earnings credits, method of calculation of benefits and other matters arising under the provisions of the Illinois Pension Code.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

## Section 1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)



## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS REGISTER

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT:

- 1) Heading of the Part: Organizational Chart, Department of Agriculture, Administration Procedure, and Programs
- 2) Code Citation: 2 Ill. Adm. Code 700
- 3) Section Numbers: Adopted Action: 700.Appendix B Amendment
- 4) Statutory Authority: Illinois Corn Marketing Act [505 ILCS 40]
- 5) Effective Date of amendments: September 5, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 5, 1996
- 9) Notices of Proposal Published in Illinois Register: Amendments to the corn marketing program are not subject to the rulemaking requirements of Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100]. The program is included in the rules of the Department required by Section 5-15 of the Illinois Administrative Procedure Act.
- 10) Has JCAR issued a Statement of Objections to these rules? Amendments to the Marketing Program for Illinois Corn and Corn Products do not require JCAR's review.
- 11) Differences between proposal and final version: N/A
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: An Illinois Corn Marketing Board referendum was conducted on July 2, 1996 increasing the number of years an elected board member can serve consecutively, from two full consecutive three year terms to three full consecutive three year terms. Corn producers throughout the state voted in favor of this amendment with a vote of 238 to 51.
- 16) Information and questions regarding this adopted amendment shall be directed to:  
Debbie Wakefield

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

Illinois Department of Agriculture  
 State Fairgrounds, Springfield,  
 Illinois 62794-9281  
 Telephone: 217/785-5713 Fax: 217/785-4505

The full text of Adopted Amendments begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
 SUBTITLE D: CODE DEPARTMENTS  
 CHAPTER I: DEPARTMENT OF AGRICULTURE

## PART 700

ORGANIZATIONAL CHART, DESCRIPTION, RULEMAKING PROCEDURE,  
 AND PROGRAMS

## SUBPART A: DESCRIPTION OF THE DEPARTMENT OF AGRICULTURE

## Section

700.10 Scope of the Department of Agriculture  
 700.20 Office of the Assistant Director  
 700.30 Division of Animal Industries  
 700.35 Division of Consumer Services  
 700.40 Division of Marketing and Promotion  
 700.50 Division of Agricultural Industry Regulation  
 700.60 Division of Fairs and Horse Racing  
 700.70 Division of Natural Resources  
 700.80 Statutorily Established Advisory Boards and Committees

## SUBPART B: ORGANIZATIONAL CHART

## Section

700.100 Illinois Department of Agriculture Organization Chart

## SUBPART C: REQUEST FOR INFORMATION

## Section

700.110 Information About Programs, Activities, Laws and Rules  
 700.120 Information On Employment

SUBPART D: PROGRAMS (LAWS) ADMINISTERED BY THE  
 DEPARTMENT OF AGRICULTURE

## Section

700.130 Code Indicating Administrative Enforcement  
 700.140 Statutes Administered by the Department of Agriculture

## SUBPART E: RULES AND REGULATIONS DEPARTMENT OF AGRICULTURE

## Section

700.150 Rules and Regulations Promulgated by the Department of Agriculture

SUBPART F: PROVISIONS AND PROCEDURES GOVERNING THE  
 PROMULGATION OF RULES AND REGULATIONS

## Section

700.160 General, Emergency, and Peremptory Rules; Internal Rules (Agency's



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

## Organization, Description and Rule-making Procedures)

- 700.170 Public Participation and Comments  
 700.180 Consideration of Rules by Advisory Boards  
 700.190 Public Comment Period; Submission of Written Comments; Extending the Public Comment Period  
 700.200 Public Hearing Procedure  
 700.210 Director's Decision  
 700.220 Second Review Period; Final Disposition of Rulemaking  
 700.230 Computing Time  
 700.240 Interested Person May Request Rulemaking

## SUBPART G: RULEMAKING FLOW CHARTS

- Section  
 700.300 General Rulemaking Initiated by Department  
 700.310 Rulemaking Requested by Advisory Board or Committee  
 700.320 Emergency or Peremptory Rulemaking by Department

## APPENDIX A Marketing Program for Illinois Apples and Peaches

## APPENDIX B Marketing Program for Illinois Corn and Corn Products

## APPENDIX C Marketing Program for Illinois Eggs (Repealed)

## APPENDIX D Marketing Program for Illinois Soybeans and Soybean Products

## APPENDIX E Fertilizer Research and Education Program

## APPENDIX F Procedures for Conducting Corn Marketing Program Referendums

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15) [5 ILCS 100/5-15]; Appendix A implementing and authorized by the Apple and Peach Marketing Act (Ill. Rev. Stat. 1991, ch. 5, pars. 351 et seq.) [505 ILCS 20]; Appendix B implementing and authorized by the Illinois Corn Marketing Act (Ill. Rev. Stat. 1991, ch. 5, pars. 701 et seq.) [505 ILCS 40]; Appendix C implementing and authorized by the Egg Market Development Act (Ill. Rev. Stat. 1991, ch. 5, pars. 503 et seq.) [505 ILCS 55]; Appendix D implementing and authorized by the Soybean Marketing Act (Ill. Rev. Stat. 1991, ch. 5, pars. 551 et seq.) [505 ILCS 130]. Appendix E implementing and authorized by the Illinois Fertilizer Act of 1961 (Ill. Rev. Stat. 1991, ch. 5, par. 55.6a) [505 ILCS 80/6a].

SOURCE: Rules and Regulations Relating to The Illinois Administrative Procedure Act, filed December 30, 1977, effective January 15, 1978; amended at 5 Ill. Reg. 10257, effective September 29, 1981; codified at 2 Ill. Adm. Code 450 at 5 Ill. Reg. 10255; amended at 5 Ill. Reg. 13418, effective November 24, 1981; amended at 6 Ill. Reg. 11826, effective September 21, 1982; amended at 7 Ill. Reg. 9147, effective July 26, 1983; amended at 8 Ill. Reg. 13124, effective July 12, 1984; amended at 10 Ill. Reg. 13168, effective July 25, 1986. Rules and Regulations Relating to the Procedures for the Establishment of an Apple and Peach Marketing Program, filed and effective March 10, 1972; amended at 4 Ill. Reg. 19, p.181, effective April 28, 1980; codified as 8 Ill.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

Adm. Code 300 at 5 Ill. Reg. 10547; Part repealed at 6 Ill. Reg. 10908, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11171, effective August 31, 1983. Corn Marketing Program adopted at 2 Ill. Reg. 47, p. 72, effective November 9, 1979; codified as 8 Ill. Adm. Code 300 at 5 Ill. Reg. 10549; Part repealed at 6 Ill. Reg. 10909, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 3407, effective March 21, 1983. Rules and Regulations Relating to the Procedures for the Establishment of an Egg Marketing Program, filed January 3, 1973, effective January 13, 1973; codified as 8 Ill. Adm. Code 320 at 5 Ill. Reg. 10551; Part repealed at 6 Ill. Reg. 10915, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11171, effective August 31, 1983. Rules and Regulations Relating to Procedures for the Establishment of a Soybean Marketing Program, filed March 20, 1974, effective April 1, 1974; amended May 2, 1974, effective May 12, 1974; codified as 8 Ill. Adm. Code 330 at 5 Ill. Reg. 10553; Part repealed at 6 Ill. Reg. 10916, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11189, effective August 31, 1983. 2 Ill. Adm. Code 450 recodified to 2 Ill. Adm. Code 700, 8 Ill. Adm. Code 300 recodified to 2 Ill. Adm. Code 700-Appendix A, 8 Ill. Adm. Code 310 recodified to 2 Ill. Adm. Code 700-Appendix B, 8 Ill. Adm. Code 320 recodified to 2 Ill. Adm. Code 700-Appendix C, and 8 Ill. Adm. Code 330 recodified to 2 Ill. Adm. Code 700-Appendix D at 11 Ill. Reg. 15602, effective September 10, 1987; amended at 11 Ill. Reg. 18605, effective October 28, 1987; amended at 12 Ill. Reg. 6648, effective March 25, 1988; amended at 12 Ill. Reg. 22135, effective December 8, 1988; amended at 13 Ill. Reg. 5066, effective March 31, 1989; amended at 14 Ill. Reg. 584, effective December 27, 1989; amended at 14 Ill. Reg. 4093, effective March 2, 1990; amended at 14 Ill. Reg. 9009, effective May 29, 1990; amended at 14 Ill. Reg. 20586, effective December 14, 1990; amended at 15 Ill. Reg. 6105, effective April 16, 1991; amended at 16 Ill. Reg. 3893, effective February 28, 1992; amended at 17 Ill. Reg. 19895, effective November 8, 1993; amended at 20 Ill. Reg. 12773, effective

SEP 05 1996

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

## Section 700. APPENDIX B Marketing Program For Illinois Corn and Corn Products

Agency Note: Section 7 of the "Illinois Corn Marketing Act" (411 Rev. Stat. 1991, ch. 57, par. 707) [505 ILCS 40/7] requires any corn marketing program that is approved by Illinois corn producers through referendum to be filed by the Department of Agriculture as provided in Section 5-65 of the "Illinois Administrative Procedure Act" (411 Rev. Stat. 1991, ch. 127, par. 1085-65 et seq.) [5 ILCS 100/5-65]. The filing of the adopted program is exempt from the rulemaking requirements of Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act and the program is exempt from review under Sections 5-100, 5-105, 5-110, 5-120, 5-125 and 5-130 of the Illinois Administrative Procedure Act. On December 29, 1982, a Marketing Program For Illinois Corn and Corn Products was approved through referendum.

## ARTICLE I

## PURPOSE:

This program is developed not to increase production but to enable Illinois corn producers to coordinate more effectively the maintenance and development of markets for corn and corn products; to provide for the needed utilization research; to develop new uses for corn and corn products; and to provide for more efficient and economical markets.

To accomplish this objective, it is essential to provide procedures for the development of new and larger markets for corn; to provide procedures to engage in research directed toward more efficient utilization of corn; to provide procedures to support worldwide market development programs and cooperate with other states, organizations, agencies and persons in market development, market information, and research programs; and to provide procedures to elect an initial producer board and its successors to operate this program.

## AUTHORITY:

This marketing program for Illinois corn and its procedures, is established pursuant to the Illinois Corn Marketing Act [505 ILCS 40] "An Act in Relation to Corn Marketing Programs," being Public Act No. 81-1097, approved August 14, 1979, and amended by Public Act No. 82-941, approved August 19, 1982.

## ARTICLE III

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

## PROGRAM EXTENT:

All producers of corn in Illinois are qualified to participate and all corn sold to a first purchaser is subject to the program.

## ARTICLE IV

## DEFINITIONS:

Terms used in this marketing program shall be defined in the Act and as follows unless context clearly requires otherwise:

- (a) "Act" means the Illinois Corn Marketing Act [505 ILCS 40]. an Act in relation to corn marketing programs, being Public Act No. 81-1097, approved August 14, 1979, and amended by Public Act No. 82-941, approved August 19, 1982.
- (b) "Corn" means and includes all kinds of varieties of corn (excluding popcorn and sweet corn) grown in this State and marketed and sold as corn by the producer."
- (c) "Person" means any natural person, partnership, corporation, society, association, representative or other fiduciary."
- (d) "Producer" means any person engaged in this State in the business of producing and marketing corn and who is effected by this program by virtue of having the first right of ownership in any corn for which payment is received at the first point of sale.
- (e) "First purchaser" means any person who resells corn purchased from a producer or offers for sale any product produced from such corn for any purpose."
- (f) "Market Development" means to engage in research and educational programs directed toward better and more efficient utilization of corn; to provide methods and means for the maintenance of present markets; for the development of new and larger domestic and foreign markets."
- (g) "Corn Marketing Program" means the program established under the authority of the Corn Marketing Act and approved by the corn producers.
- (h) "Corn Marketing Board" means the board established by any corn marketing program to administer a corn marketing program.
- (i) "Director" means the Director of the Department of Agriculture of the

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State of Illinois."

- (j) "Department" means the Department of Agriculture of the State of Illinois."
- (k) "Bushel" means 56 pounds of corn by weight."
- (l) "District" means the geographical divisions of the State established pursuant to this marketing program.
- (m) "Sale" or "Sold" means a transaction wherein the property in or to corn is transferred from the producer to a first purchaser for consideration.
- (n) "Eligible Voter" means one who is defined both as a person and as a producer in this program during the previous 365 days prior to the referendum date.
- (o) "Affected Producer" means any person defined as a producer in this program who is subject to the assessment.
- (p) "Corn Checkoff Program" means a program defined as a corn marketing program.

Quoted from Section 3 of the Illinois Corn Marketing Act [505 ILCS 40/3]-  
~~"An--Act--in-relation-to-corn-marketing-program;--approved--August-14-1997~~  
~~Public-Act-81-1897--and-amended-by-Public-Act--82-9417--approved--August--19~~  
~~1982.~~

## ARTICLE V

## CORN MARKETING BOARD:

## Section 1. Establishment and Membership.

A corn marketing board is hereby established with powers and duties as authorized pursuant to the Act and this program. The Board shall be comprised of 15 members elected from districts as provided in Section 2 of this Article. The 15 members shall be elected, one from each district.

## Section 2. Representative Districts.

For the purpose of nomination and election of members to the Board, the territory of the State of Illinois shall be divided into 15 representative districts as follows:

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- District I: Boone, McHenry, Lake, DeKalb, Kendall and Will Counties.
- District II: Jobaviness, Stephenson, Winnebago and Ogle Counties.
- District III: Knox, Henry, Warren, Henderson, Mercer and Rock Island Counties.
- District IV: Whiteside, Lee, Bureau, Stark, Marshall and Putnam Counties.
- District V: LaSalle, Grundy, Livingston and Kankakee Counties.
- District VI: Ford, Iroquois, Champaign and Vermillion Counties.
- District VII: Woodford, McLean, DeWitt, Macon, Piatt and Moultrie Counties.
- District VIII: Peoria, Tazewell, Fulton, Mason, Cass, Menard and Logan Counties.
- District IX: Hancock, McDonough, Adams, Schuyler, Brown and Pike Counties.
- District X: Scott, Morgan, Sangamon, Greene, Jersey, Calhoun and Macoupin Counties.
- District XI: Christian, Montgomery, Shelby, Fayette and Effingham Counties.
- District XII: Douglas, Edgar, Coles, Clark, Cumberland, Jasper and Crawford Counties.
- District XIII: Marion, Clay, Richland, Lawrence, Jefferson, Wayne, Edwards, Wabash and White Counties.
- District XIV: Madison, Bond, St. Clair, Clinton, Monroe and Washington Counties.
- District XV: Randolph, Perry, Jackson, Franklin, Williamson, Hamilton, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski and Massac Counties.

## Section 3. Board Membership Qualifications.

Board members shall be residents of the State of Illinois, of legal voting age, and be subject to the program. Board members shall be

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affected producers of corn in this State subject to the assessment and residing in the district in and for which they are nominated and elected. The qualification of members as set forth herein must continue during their term of office or their office shall be declared vacant.

## Section 4. Term of Office.

The term of office of a board member shall be three years or until his successor is elected and qualified except for the initial board which shall be provided in Section 5 of this Article.

A term of office shall terminate on July 31st of the year in which the board member's office expires.

A board member can only serve three two full consecutive three year terms.

## Section 5. Initial Board.

If this program is adopted by corn producers, the Director shall initiate the procedures to elect the initial 15-member board as outlined in this corn marketing program and the Act. The Director shall specify the day on which the election of the initial board will be held. The day on which this election is held, shall be no more than 210 days from the date of close of the referendum on adoption of this corn marketing program.

Board members shall serve three year terms; provided, however, that the initial term of the board members from Districts I, IV, VII, X, and XII shall expire July 31, 1984; the initial terms of board members from Districts II, V, VIII, XI, and XIV shall expire July 31, 1985; and the initial terms of board members from Districts III, VI, IX, XII, and XV shall expire July 31, 1986.

When the initial term of office expires in a district, an election shall be held as provided in this program and the Act to fill the vacancy.

## Section 6. Nominations.

(a) Procedure for nominating candidates for election to the initial board: Any affected producer may become a candidate from his district and have his name placed on the ballot if he files a petition with the Director containing the signatures of 200 or 5 percent, whichever is less, of those eligible voters in his district qualified to vote on the referendum. The petitions to become a candidate for board members must be filed with the

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Director by a time and date specified by the Director. Petitions for becoming a candidate shall be available at the principal office of the Cooperative Extension Service serving each county and upon request from the Director. Position of candidates' names on the ballot to become a board member shall be determined by lot by drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.

(b) Subsequent Years. Procedure for Nominating Candidates to the Board in Subsequent Years: Each district having a vacancy on the board by an expiring term shall hold an election to fill such vacancy. The election shall be held during July of the year in which the vacancy exists. Any affected producer meeting the requirements of Section 3 may become a candidate from his district and have his name placed on the ballot for which a vacancy exists if he files a petition with the Director containing the signatures of 200 or 5 percent, whichever is less, of affected producers from his district.

Petitions to become a candidate for board member must be filed with the Director by May 15th of the year in which the election is to be held in that district. Notification to all affected producers in the district where a vacancy exists shall be published once in the official state newspaper and made available to newspapers of general circulation in that district and to all other news media in that district. Notification shall be given no earlier than March 1 nor later than March 15 in the district where vacancy on the board will occur. Petition for becoming a candidate shall be available at each principal county office of the Cooperative Extension Service in the district where a vacancy exists and upon request from the Director. Position of the candidates' names on the ballot shall be determined by lot by a drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.

## Section 7.

## (a) Election of Initial Board.

Each eligible voter shall be entitled to one vote and shall be entitled to vote for one candidate to be such producer's district representative on the corn marketing board.

The candidate from each district receiving the greatest number of votes in the election shall be the district's representative on the board. In case of a tie, the winner will be determined by drawing.



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The elected board member will take office immediately after certification of election results. Each eligible voter shall vote at the local Cooperative Extension Service office serving the county in which such eligible voter resides.

(b) Election of Board in Subsequent Years.

The election of board members in districts where a vacancy occurs due to an expiring term shall be conducted by the corn marketing board. Nominations shall be as set forth in Section 6(b) of the program. The elected board member shall take office on August 1 of the year in which such board member is elected.

Section 8. Election Ballot.

The election ballot used in each district will contain only the name(s) of the candidate(s) for its district, with space provided for a write-in candidate.

Section 9. Absentee Ballot.

Eligible voters who reside outside the State of Illinois or eligible voters within the State who expect to be absent from their county or residence on the day of any board members' election held under this Article may request an absentee ballot. The Director shall provide to any eligible voter an absentee ballot upon request beginning thirty (30) days prior to the initial election of directors and subsequent election of directors where a vacancy exists. Any eligible voter requesting an absentee ballot shall be required to file with the Director a notarized affidavit swearing that such eligible voter is eligible to vote in the election of board members. Such affidavit shall be available upon request from the Director. All absentee ballots and affidavits must be received by the Director at least two (2) working days prior to any election of board members.

Section 10. Elections.

The Director shall appoint election judges for the election of board members.

Section 11. Powers and Duties of the Board.

The board shall have the following powers and duties:

- (a) to administer, enforce, direct, and control provisions of this program as its administrative board pursuant to the authority contained in the Act;

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- (b) to annually establish priorities and to establish and approve a budget consistent with estimated resources and scope of the marketing program;
- (c) to formulate and execute assessment procedures, and methods of collection;
- (d) to procure and evaluate data and information necessary for the proper administration and operation of marketing program;
- (e) to employ personnel and contract for services which are necessary for the proper operation of the marketing program;
- (f) to authorize the expenditure of funds and the contracting of expenditures to conduct proper activities of the program;
- (g) to provide for an independent audit to be made and be available to all program participants;
- (h) to publish annually, upon completion of and at the same time of the audit, an Activities and Financial Report and make available to all affected producers;
- (i) to elect a chairman, vice chairman, secretary and treasurer and other such officers as it deems necessary;
- (j) to take steps to insure that adequate bonds are maintained and to insure adequate protection of funds;
- (k) to confer and cooperate with legally constituted authorities of other states and the United States;
- (l) to accept donations, gifts, and other properties to be used for program purposes;
- (m) to receive and investigate or cause to be investigated complaints and violations of this program and the Act and to take such action as is necessary within its authority;
- (n) to establish accounts in adequately protected financial institutions to receive, hold and disperse program monies;
- (o) to approve and recommend desirable amendments to the program;
- (p) to establish procedure to refund to a producer any assessment paid by such a producer if he requests such a refund; and
- (q) to perform such other duties which may be necessary to proper

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operation of the board.

### Section 12. Limitation of Liability of Board Members and Employees.

Obligations incurred by the board and any other liabilities or claims against the board shall be enforced only against the assets of the board in the same manner as if it were a corporation and no liabilities for the debts or actions of the board shall exist against either the State of Illinois or any subdivision thereof or against any board established pursuant to the Act or the assets thereof or against any member, officer, employee, or agent of the board in his individual capacity. The members of the board, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person, or employee except for their own individual acts which result in a violation of any law. No such person or employee shall be held responsible individually for the act or omission of any member of the board. The liability of the members of the board shall be several and not joint and no members shall be liable for the default of any other member.

### Section 13. Board Vacancies.

Procedures for Filling: Vacancies occurring on the board during an unexpired term of office shall be filled by the board with an appointee who is a qualified producer from the district affected by the vacancy. The appointee shall serve as the district's representation on the board for the unexpired term.

### Section 14. Board Compensation.

"All voting members of the corn marketing board are entitled to actual and necessary travel and incidental expenses while attending meetings of the board or while engaged in the performance of official responsibilities as determined by the board." Board members are not entitled to any salary or per diem.

Quoted from Section 11 of The Illinois Corn Marketing Act [505 ILCS 40/11].  
 "An--Act--in-Relation-to-Corn-Marketing-Programs;"--approved-August-14-1979;  
 Public-Act-91-1097--and-amended-by-Public-Act--82-9417--approved--August--19-1992.

### ARTICLE VI

### REFERENDUMS AND ELECTIONS:

#### Section 1.

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The initial program referendum shall provide for the question of adoption of the program with a place to vote "yes" or "no." The initial program referendum shall be conducted by ballot mailed to producers. A period of 21 days from the date of mailing of the ballot shall be allowed for the return of such ballots. Ballots shall be returned to the Director by mail or by personal delivery by the voting producer at such address as may be designated by the Director. When requested, the Director shall provide a ballot to any producer whose name does not appear on the list of producers maintained by the Agricultural Stabilization and Conservation Service or who for any reason did not receive a ballot. "Reasonable publicity and notification of the referendum date and voting locations shall be provided in trade publications, the public press and the official state newspaper, at least two weeks prior to such referendum date."

The Agricultural Stabilization and Conservation Service list of producers shall be the official mailing list used for the program referendum.

A corn marketing program or an amendment to a corn marketing program is approved when a majority of the statewide total of those voting in the referendum vote in favor of such program or amendment to a program.

Quoted from Section 9 of the Illinois Corn Marketing Act [505 ILCS 40/9].  
 "An--Act--in-Relation-to-Corn-Marketing-Programs;"--approved-August-14-1979;  
 Public-Act-91-1097--and-amended-by-Public-Act--82-9417--approved--August--19-1992.

### Section 2. Qualification to Vote.

Any person who is defined as a producer in this program shall be entitled to one vote. Such eligible voter shall be required to sign a statement or affidavit declaring that such person is an eligible voter in the program.

An eligible voter who meets the definition of a "producer" in more than one county or on more than one tract of land may only vote once in their own name. If more than one vote is cast, only one vote, cast in the county of residence, will be counted.

A person or business organization which meets the "producer" definition may designate some individual to vote on its behalf. In such cases, the following guidelines apply:

In cases of ASSOCIATIONS, BUSINESSES, COOPERATIVES, UNIVERSITIES, COLLEGES, FOUNDATIONS, or any other business entity, only an officer may cast one vote for this business organization.

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**PARTNERSHIP, JOINT TENANCY:** If ownership of the commodity is held in the partnership name or in joint ownership, only one partner/owner may cast one vote. It is the responsibility of the partnership/joint ownership to decide who will vote.

**FIDUCIARY:** Only the court-appointed legal representative of a trust, estate, conservatorship, guardianship or other fiduciary relationship may cast one vote for the business held in trust.

**LANDLORD AND TENANT:** Each may cast one vote if each meets the "producer" definition.

**HUSBAND AND WIFE:** If the corn is held in joint ownership by both husband and wife, only one spouse may cast one vote. If each meets the "producer" definition as a separate entity, then each may cast one vote.

## Section 3. Teller Committee.

The Director shall appoint a teller committee composed of members of the agricultural community to count absentee ballots, canvass and certify results of referendums and elections of district candidates.

## ARTICLE VII

## PROGRAM:

## Section 1. Market Development, Promotion, and Public Relations Programs.

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any market development and promotion activities, education and public relations programs or market information services which will result in the opening of new markets for corn and corn products, or which will result in the expansion of existing markets. These activities may include, but not be necessarily limited to the following:

- (a) Preparation and dissemination of marketing information to include supply information, demand information, quality characteristics, and other facts concerning corn and corn products.
- (b) Provide information to foreign feed manufacturers and corn refiners for the purpose of expanding their use of corn and corn products.
- (c) Work with U.S. agricultural attaches or any other agency or

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organization in removing restrictive foreign and domestic regulations or barriers which hinder the free flow of corn or corn products to their ultimate markets.

(d) Participate in trade fairs, exhibitions, food shows, and other such activities for the purpose of developing markets.

(e) The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any needed research or survey studies related to corn and their products which will result in improved efficiency and aid corn producers in maintaining present and any new and larger markets.

## Section 2. Educational Program.

The board is authorized to conduct, contract with, or make grants to any qualified organizations, agencies, or individuals for any educational materials and educational programs pertaining to corn and corn products.

The educational program established pursuant to this authority shall emphasize the results of research, market development, and other programs sponsored, supported, or otherwise implemented by or for the board.

## ARTICLE VIII

## ASSESSMENTS:

## Section 1. Assessment Levied.

(a) All assessments made and levied pursuant to the provisions of the Act and the program shall be paid by the respective affected producers who shall be liable therefore as provided by Sections 16 and 17 of the Act.

(b) Such assessments shall be 1/4¢ per bushel of corn produced and sold by such affected producer. After the first five years of operation of the program, the corn marketing board may request the Director to hold a referendum to increase the assessment rate.

(c) Such assessment shall be collected from the affected producers by the first purchaser of corn and such first purchaser shall deduct the full amount of assessment from total monies due to the producer and shall account for, report on, and remit to the board all monies collected, except as otherwise provided in this section. Such monies collected

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shall be remitted quarterly and shall be made by the 15th of the month following the end of each quarter. Such quarters shall end March 31, June 30, September 30, and December 31 of the year in which assessment is due. If remittance of assessment by first purchaser is made by the 15th of the month following the end of the quarter, such first purchaser making remittance shall be entitled to retain two percent (2%) of such remittance due.

- (d) Any producer who shall sell, ship, or otherwise dispose of corn to a first purchaser or other person outside the jurisdiction of this marketing program shall forthwith remit to the board the full amount of the assessment due.
- (e) The board shall establish regulations and procedures to insure the collection of such assessments as shall be due and payable under this marketing program.
- (f) The board shall give reasonable notice to all producers, processors and handlers of all changes in regulations and procedures and any amendments thereto for the collection of the assessment.

## ARTICLE IX

## RIGHT OF REFUND:

## Section 1.

- (a) Any affected producer may request that each assessment paid by him be refunded.
- (b) A refund shall be payable upon request. Such request shall be made to the board not more than sixty (60) days after the deduction has been made or not more than sixty (60) days after the remittance has been made by the first purchaser. Applications for refund shall be given by the board to each first purchaser when requested and the first purchaser shall make the applications available to any producers.
- (c) The board shall establish procedures to insure the refunds of such assessment as are requested.

## ARTICLE X

## FUNDS:

## Section 1.

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The board shall deposit all monies collected pursuant to this program in an account as established in Article V of this program. Expenses and disbursements incurred and made pursuant to the Act and this program shall be made by voucher, draft or check bearing the signature of a person or persons designated by majority vote of the board.

## Section 2.

Monies collected by the board pursuant to the Act and this program as assessments shall be used by the board for the purpose of paying for the costs or expenses arising in connection with carrying out the purpose and provisions of the Act and this program.

## ARTICLE XI

## INFORMATION REPORTS:

All persons subject to this program and the Act shall make and render such reports and furnish such information to the Director and board as may be necessary or required to effectuate the purposes thereof. Information obtained by any person pursuant to this Article shall be confidential and shall not be disclosed to any other person, save a person with the right to obtain the same or any attorney employed by the board to give legal advice thereon or by court order.

## ARTICLE XII

## PROCEDURES:

## Section 1.

Following approval of the corn marketing program, the Director shall file the program with the Secretary of State as provided in Section 6 of the Illinois Corn Marketing Act.

## Section 2.

All procedures promulgated pursuant to the Act shall be available upon request to those persons affected by this program and the Act.

## ARTICLE XIII

## APPEALS:

## Section 1.



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Any person subject to this program may appeal to the board to review any administrative decision. The board shall establish by regulation the contested case procedure in accordance with the Administrative Procedure Act (4111-Rev-Stat-1991-CH-127; PAR-1001-1-ET-SEQ-7) [5 ILCS 100].

## Section 2.

Pending the disposition of any appeal set forth in Section 1 of this Article, the party shall abide by the decision unless the board shall rule otherwise. The board shall, if the facts stated show reasonable grounds, revise any order or decision upon which an appeal is taken.

## ARTICLE XIV

## DEROGATION:

Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Director or of the State to exercise any powers granted by the Act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

## ARTICLE XV

## COOPERATION WITH OTHER AGENCIES:

The board, with the assistance of the Director and subject to the provisions of the Act, is authorized to cooperate with agencies of the United States Government, the State of Illinois, and other states as deemed by the board and the Director to be desirable and useful in effectuating the purposes of this program and Act.

(a) Coordination and cooperation in promotion, advertising, educational programs, informational programs, marketing and transportation research, and any of the several areas of authority authorized by the program and the Act.

(b) Coordination of purposes with other boards, commissions, or any other marketing group in the State or other states, areas, or foreign countries so long as such cooperation is in the best interest of the corn producers in Illinois.

## ARTICLE XVI

## EFFECTIVE TIME:

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This marketing program shall become effective upon its adoption. The assessment will not be levied until April 1 or 60 days after the date of the election of the initial board, whichever is later, and shall continue in effect for five (5) years and shall automatically be extended from year to year unless a referendum for continued approval is requested by written petition of no less than ten percent of corn producers affected by the program in each respective district as published in the latest Census of Agriculture as published by the U.S. Department of Commerce, Bureau of Census. Such referendum is to be held in accordance with Section 9 of the Act and shall have as set forth in Section 7 of the Act.

## ARTICLE XVII

## SEVERABILITY:

If any provision of the marketing program or the Act shall be declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this marketing program or the Act or the applicability thereof to any person, circumstance or thing shall not be affected.

## ARTICLE XVIII

## ENFORCEMENT:

## Section 1.

"Persons who collect corn marketing program assessment funds pursuant to Section 15 of this Act shall remit such funds to the corn marketing board which shall deposit such in an account to be used as authorized by the corn marketing program.

Any due and payable assessment required under the provisions of any corn marketing program created under this Act constitutes a personal debt of every person so assessed or who otherwise owes such assessment. Such assessment is due and payable to the corn marketing board not more frequently than quarterly or when stipulated in the corn marketing program and called for by the corn marketing board. In the event any person fails to remit the full amount of such due assessment or such other sum within 30 days after the due date, the person owing such assessment shall be given an opportunity to present his case as provided for in Section 20 of this Act. When established that the assessment is correct, the corn marketing board may add to such unpaid assessment or sum a penalty amount not exceeding 10% of the amount due plus all the cost of enforcing the collection of the assessment or sum due. In the event of failure of such person to

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remit any properly due assessment or sum, the corn marketing board may bring a civil action against such person in the circuit court of any county for the collection thereof, together with the above additional specified 10% penalty assessment, cost of enforcing the collection of the assessment and court costs. Such action shall be tried and judgment rendered as in any other cause of action for debts due and payable. All assessments are due and payable to the corn marketing board."

## Section 2.

"No person shall knowingly fail or refuse to comply with any requirement of this Act where obligated to comply by a duly approved corn marketing program. The corn marketing board may institute any action which is necessary to enforce compliance with any provision of this Act, and rule or regulation thereunder or any corn marketing program adopted pursuant to this Act. In addition to any other remedy provided by law, the corn marketing board may petition for injunctive relief without being required to allege or prove the absence of any adequate remedy at law." Such action shall be brought in the Circuit Court of any county.

"Before the corn marketing board may institute any proceedings under this Act, the alleged violator shall first be given an opportunity to present his views to the corn marketing board as to why such proceedings should not be instituted."

Quoted from Section 17 of the Illinois Corn Marketing Act [505 ILCS 40/17.]  
 "An-Act-in-Relation-to-Corn-Marketing-Program,"-Being-Public-Act-No--01-i897  
 approved--August-147-19797-and-amended-by-Public-Act-02-9417-approved-August  
 197-1982:

Quoted from Section 20 of the Illinois Corn Marketing Act [505 ILCS 40/20.]  
 "An-Act-in-Relation-to-Corn-Marketing-Program,"-Being-Public-Act-No--01-i897  
 approved--August-147-19797-and-amended-by-Public-Act-02-9417-approved-August  
 197-1982:

(Source: Amended at 20 Ill. Reg. **12773**, effective  
 SEP 05 1996)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Hospital Contracts and Benefit Payments
- 2) Code Citation: 50 Ill. Adm. Code 5502
- 3) Section Number: Adopted Action:  
 5502.10 Repealed  
 5502.20 Repealed  
 5502.30 Repealed  
 5502.40 Repealed
- 4) Statutory Authority: Implementing Sections 1-20 of The Non-Profit Health Care Service Plan Act (Ill. Rev. Stat. 1981, ch. 32, part 551 et seq., as repealed by P. A. 86-600, effective September 1, 1989) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) Effective Date of Repealer: September 16, 1996
- 6) Does this Repealer contain an automatic repeal date? No.
- 7) Does this Repealer contain incorporations by reference? No.
- 8) Date filed in Agency's Principal Office: September 16, 1996
- 9) Notice of Proposal Published in Illinois Register: On April 19, 1996, in 20 Ill. Reg. 6346, Part 5302 was recodified to Part 5502. It was an oversight that Part 5502 wasn't repealed before the recodification was published. It was the Department's intention to repeal Part 5502 before recodification of Part 5302, as part of the Department's continuing effort to link the Illinois Administrative Code citations to the newly revised compilation of the Illinois Statutes.
- 10) Has JCAR issued a Statement of Objections to this Repealer? No.
- 11) Difference(s) between proposal and final version: There are no differences between the proposal and the final version.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Index Department, JCAR, and the Department of Insurance agreed to handle this repealer in this manner, therefore, no agreement letter was issued by JCAR.
- 13) Will this Repealer replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of rulemaking: While doing routine housekeeping, the Department discovered that the Non-Profit Hospital Services Act was repealed by P. A. 89-600 effective September 1, 1989. Therefore, Part 5502

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which implements the Non-Profit Hospital Services Plan Act is being repealed.

- 16) Information and questions regarding this adopted Repealer shall be directed to:

Mary Meyer  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
217-785-8220

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1) Heading of the Part: Internal Security Standard

2) Code Citation: 50 Ill. Adm. Code 5501

3) Section Number:	Adopted Action:
5501.5	Repealed
5501.10	Repealed
5501.20	Repealed
5501.30	Repealed
5501.40	Repealed
5501.50	Repealed

4) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) Effective Date of Repealer: September 16, 1996

6) Does this Repealer contain an automatic repeal date? No

7) Does this Repealer contain incorporations by reference? No

8) Date filed in Agency's Principal Office: September 14, 1996

9) Notice of Proposal Published in Illinois Register: On April 19, 1996, in 20 Ill. Reg. 6347, Part 5301 was recodified to Part 5501. It was an oversight that Part 5501 wasn't repealed before the recodification was published. It was the Department's intention to repeal Part 5501 before the recodification of Part 5301, as part of the Department's continuing effort to link the Illinois Administrative Code citations to the newly revised Compilation of the Illinois Statutes.

10) Has JCAR issued a Statement of Objections to this Repealer? No

11) Difference(s) between proposal and final version: There are no differences between the proposal and the final version.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Index Department, JCAR and the Department of Insurance agreed to handle this repealer in this manner, therefore, no agreement letter was issued by JCAR.

13) Will this Repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: While doing routine housekeeping, the Department discovered that the Non-Profit Hospital Service Corporation Act was repealed by P.A. 86-600 effective September 1, 1989. Therefore, Part 5501 which implements the Non-Profit Hospital Service Corporation Act is

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED REPEALER

being repealed.

- 16) Information and questions regarding this adopted Repealer shall be directed to:

Mary Meyer  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
217-785-8220

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Internal Security Standard and Fidelity Bonds

- 2) Code Citation: 50 Ill. Adm. Code 5601

<u>Section Number:</u>	<u>Adopted Action:</u>
5601.5	Repealed
5601.10	Repealed
5601.20	Repealed
5601.30	Repealed
5601.40	Repealed
5601.50	Repealed

- 4) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

- 5) Effective Date of Repeal: September 16, 1996

- 6) Does this Repealer contain an automatic repeal date? No.

- 7) Does this Repealer contain incorporations by reference? No.

- 8) Date filed in Agency's Principal Office: September 16, 1996

- 9) Notice of Proposal Published in Illinois Register: On April 30, 1996, in 20 Ill. Reg. 6592, Part 6201 was recodified to Part 5601. It was an oversight that Part 5601 wasn't repealed before the recodification was published. It was the Department's intention to repeal Part 5601 before the recodification of Part 6201, as part of the Department's continuing effort to link the Illinois Administrative Code citations to the newly revised compilation of the Illinois Statutes.

- 10) Has JCAR issued a Statement of Objections to this Repealer? No.

- 11) Difference(s) between proposal and final version: There are no differences between the proposal and the final version.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Index Department, JCAR and the Department of Insurance agreed to handle this repealer in this manner, therefore, no agreement letter was issued by JCAR.

- 13) Will this Repealer replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of rulemaking: While doing routine housekeeping, the



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED REPEALER

Department discovered that the Medical Service Plan Act was repealed by P.A. 86-600 effective September 1, 1989. Therefore, Part 5601 which implements the Medical Service Plan Act is being repealed.

- 16) Information and questions regarding this adopted Repealer shall be directed to:

Mary Meyer  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
217-785-8220

## STATE BANKING BOARD OF ILLINOIS

## REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Hearings for Removal of Directors, Officers, Employees or Agents of a State Bank
- 2) Code Citation: 38 Ill. Adm. Code 900
- 3) Section Numbers: 38 IAC 900.10
- 4) Date Proposal published in Illinois Register: 20 Ill. Reg. 5326, April 5, 1996
- 5) Date Adoption published in Illinois Register: 20 Ill. Reg. 11359, August 16, 1996
- 6) Summary and Purpose of Expedited Correction: An ILCS citation is being corrected from "Section 48(8)" of the Illinois Banking Act to "Section 48(7)" of the Act.

- 7) Information and questions regarding this request shall be directed to:

John Arthur  
Legislative Liaison  
Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701  
217/782-3000

## STATE BANKING BOARD OF ILLINOIS

## REQUEST FOR EXPEDITED CORRECTION

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER VII: STATE BANKING BOARD OF ILLINOIS

## PART 900

HEARINGS FOR REMOVAL OF DIRECTORS, OFFICERS,  
EMPLOYEES OR AGENTS OF A STATE BANK OR CORPORATE FIDUCIARY

## Section

900.10	Applicability
900.20	Definitions
900.30	Request for a Hearing
900.40	Hearing Officer
900.50	Notice of Hearing
900.60	Motions
900.70	Answer to the Order of Removal
900.80	Form of Pleadings
900.90	Service
900.100	Appearances
900.110	Consolidation of Hearing Proceedings
900.120	Intervention
900.130	Authority of Hearing Officer
900.140	Prehearing Conferences
900.150	Practice by Telephone
900.160	Subpoenas
900.170	Discovery
900.180	Evidence Depositions
900.190	Conduct of a Hearing
900.200	Evidence
900.210	Record of Hearing Proceedings
900.220	Briefs
900.230	Hearing Officer's Findings of Fact and Conclusions of Law
900.240	Board's Determination
900.250	Construction of Rules

AUTHORITY: Implementing Section 48(7) of the Illinois Banking Act [205 ILCS 5/48(7)] and Section 5-6 of the Corporate Fiduciary Act [205 ILCS 620/5-6] and authorized by Section 80(j) of the Illinois Banking Act [205 ILCS 5/80(j)].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 15672, effective September 11, 1986, for a maximum of 150 days; chapter number and part number corrected at 10 Ill. Reg. 20328; adopted at 11 Ill. Reg. 8905 effective April 24, 1987; amended at 12 Ill. Reg. 17074, effective October 11, 1988; amended at 20 Ill. Reg. 11359 effective August 1, 1996; expedited correction at 20 Ill. Reg. **12801**, effective August 1, 1996.

## Section 900.10 Applicability

This Part shall apply to hearings conducted under the jurisdiction of the State

## STATE BANKING BOARD OF ILLINOIS

## REQUEST FOR EXPEDITED CORRECTION

Banking Board of Illinois pursuant to Section 48(7) ~~48(8)~~ of the Illinois Banking Act [205 ILCS 5/48(7)~~48(8)~~] and Section 5-6 of the Corporate Fiduciary Act [205 ILCS 620/5-6].<sup>7</sup>

(Source: Expedited correction at 20 Ill. Reg. **12801**, effective August 1, 1996.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

1) Heading of the Part: The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985

2) Code Citation: 68 Ill. Adm. Code 1175

3) Register Citation to Notice of Proposed Amendments: 20 Ill. Reg. 8813; July 12, 1996

4) Date, Time and Location of Public Hearings:

Monday, October 7, 1996, 10 A.M.  
Department of Professional Regulation  
320 West Washington, 5th Floor  
Springfield, Illinois 62786

Monday, October 21, 1996, 10 A.M.  
Department of Professional Regulation  
James R. Thompson Center, 9th Floor, Room 9-040  
100 West Randolph  
Chicago, Illinois 62959

5) Other Pertinent Information:

Each person presenting oral testimony shall provide a written copy of such testimony at the time of the oral testimony is presented.

Each person presenting oral testimony will be allowed 15 minutes for the presentation.

Those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should submit written comments by October 31, 1996, to:

Jean A. Courtney  
Department of Professional Regulation  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786

ENVIRONMENTAL PROTECTION AGENCY  
NOTICE OF PUBLIC INFORMATIONNOTICE OF PROPOSED SETTLEMENT  
PEOPLE V. THE GROW GROUP

You are hereby notified that the Illinois Attorney General, James E. Ryan, on behalf of the Illinois Environmental Protection Agency ("Illinois EPA"), has reached a proposed settlement agreement with The Grow Group regarding the former Old Knox County Landfill facility located near Galesburg, Knox County, Illinois. The proposed order reflects the implementation at the site of remedial activities selected by the Illinois EPA and directs the Grow Group to reimburse some of the costs incurred for response, remedial, and investigative activities undertaken by the State of Illinois as a result of the release or threatened release of hazardous substances at the site.

## PUBLIC COMMENT

Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. Section 9601, et seq., you have thirty (30) days from the date of this Notice to file written comments relating to the proposed settlement. If such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate, consent to the proposed settlement may be withdrawn or withheld.

You may obtain a copy of the proposed settlement for review (at no charge) by calling or writing to James L. Morgan, Assistant Attorney General, Environmental Bureau, Illinois Attorney General's Office, 500 South Second Street, Springfield, Illinois 62706, phone 217/782-9031.

You may file written comments relating to the proposed settlement by sending them to:

James L. Morgan  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

Comments received or postmarked within thirty (30) days from the date of this notice shall be considered

Mary Gade, Director  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62794-9276

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act  
Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 1996. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications  
Bond Premium Amortization  
Dividends  
Interest  
Net Operating Loss  
Zero Coupon Bonds  
Other Rulings (Not Included Above)  
Administrative Review  
Allocation  
(For Alternative Apportionment Rulings, See That Heading)  
Alternative Apportionment  
Amnesty  
Apportionment  
Financial Organizations  
Insurance Companies  
Payroll Factor

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

Property Factor  
Sales Factor  
Transportation Services  
Other Rulings (Not Included Above)  
Assessment  
Bankruptcy  
Base Income  
(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)  
Books and Records  
Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)  
Business Income  
Capital Gains (Losses)  
(Also See Subtraction Modifications - Valuation Limitation)  
Check Off Funds  
Circuit Breaker  
Claims for Refund: See Refunds  
Collection  
Combined Unitary Return  
Also See Unitary)  
Commercial Domicile  
Compensation  
Composite Returns  
Confidentiality  
Credits  
Coal Research and Utilization  
Credit for Replacement Tax Paid  
Credit for Residential Real Property Taxes  
Enterprise Zone Investment  
Foreign Tax  
High Impact Business Investment  
Jobs Tax  
Replacement Tax Investment  
Research and Development  
Training Expense  
Other Rulings (Not Included Above)  
Deficiencies  
Definitions  
Domestic International Sales Corporations (DISC's)  
Elections: See Combined Unitary Return, Extensions, Unitary Enterprise Zones  
(Also See Credits, Subtraction Modifications)  
Erroneous Refund: See Refunds  
Estates  
Estimated Tax  
Exempt Organizations  
Exemptions



## DEPARTMENT OF REVENUE

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Extensions  
 Failure to File: See Penalties  
 Failure to Pay: See Penalties  
 Farmers: See Estimated Tax  
 Federal Returns  
 Fiduciaries  
 Financial Organizations: See Apportionment  
 Foreclosure  
 Foreign Sales Corporations (FSC's)  
 Foreign Tax: See Credits  
 Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax Forms  
 Fraud: See Penalties  
 Fringe Benefits  
     IRC 125 "Cafeteria" Plans  
     IRC 401(k) Plans  
     Other Rulings (Not Included Above)  
 Gain (Loss): See Capital Gains (Losses), Valuation Limitation  
 Information Reports  
 Insurance Companies: See Apportionment  
 Interest Income  
     (Also See Addition Modifications, Subtraction Modifications)  
 Interest on Refunds and Deficiencies  
 IRC 338  
 Jeopardy: See Assessment  
 Judicial Review  
 Liens  
 Limited Liability Companies  
 Lottery  
 Medical Care Savings Accounts  
 Military  
     (Also See Subtraction Modifications)  
 Miscellaneous  
     Modification Addition: See Addition Modifications  
     Modification Subtraction: See Subtraction Modifications  
 Mutual Funds: See Subtraction Modifications  
 Net Income (Loss) and Net Loss Deduction (IITA 207)  
     (Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction, Unitary)  
 Net Operating Loss and Net Operating Loss Deduction  
 Nexus: See Public Law 86-272/Nexus  
 Nonbusiness Income  
 Nonresidents: See Residency/Nonresidency  
 Notice and Demand: See Notices  
 Notices  
 Nuclear Decommissioning Trust  
 Overpayments: See Refunds (Also See Estimated Tax)

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Partnerships  
 Payments  
 Payroll Factor: See Apportionment  
 Penalties  
     Failure to File (IITA 1001)  
     Failure to File Withholding Returns (IITA 1001)  
     Failure to Pay (IITA 1002)  
     Failure to Pay Estimated Tax (IITA 804)  
     Fraud (IITA 1002)  
     Reasonable Cause (IITA 1001)  
     Underpayment of Tax (IITA 1005)  
     Other Rulings (Not Included Above)  
 Pensions  
     (Also See Subtraction Modifications)  
 Political Organizations  
 Professional Athletes  
 Property Factor: See Apportionment  
 Property Tax: See Subtraction Modifications  
 Protest  
 Public Law 86-272/Nexus  
 Rate of Tax  
 Real Estate Investment Trusts  
 Reasonable Cause: See Penalties  
 Refunds  
     (Also See Subtraction Modifications)  
     Statute of Limitations  
     Other Rulings (Not Included Above)  
 Regulated Investment Companies  
 Replacement Tax  
     (Also See Credits)  
 Requirements of Requests for Private Letter Rulings  
 Residency/Nonresidency  
 Returns  
     (For Combined Unitary Return and Composite Return Rulings See Those Headings)  
     Amended Returns  
     Due Dates  
     Requirements to File  
     Short Period Returns  
     Other Rulings (Not Included Above)  
 S Corporations  
 Sales Factor: See Apportionment  
 Sales Outside the Ordinary Course of Business (Bulk Sales)  
 Seizure  
 Separate Accounting: See Alternative Apportionment  
 Signature  
 Specific Accounting  
 Statute of Limitations: See Assessment, Collection, Deficiencies,

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Refunds  
 Subchapter 'S' Corporations: See S Corporations  
 Subpart F Income: See Subtraction Modifications  
 Subtraction Modifications  
 Bond Premium Amortization  
 Enterprise and Foreign Trade Zones  
 Health Insurance Premiums Paid by the Self-Employed  
 Illinois Tax Refund  
 Interest on U.S. Government Obligations  
 Military  
 Money Market Mutual Funds  
 Pensions  
 Qualified Pension Plans  
 Real Estate Taxes  
 Subpart F Income  
 Transportation Services  
 Valuation Limitation  
 Other Rulings (Not Included Above)  
 Taxability in Other States  
 Taxable Year  
 Transferees  
 (Also See Sales Outside the Ordinary Course of Business [Bulk Sales])  
 Transportation Services: See Apportionment  
 Trusts  
 Uniform Penalty and Interest Act  
 Unitary  
 (Also - See Combined Unitary Return)  
 U.S. Government Obligations: See Subtraction Modifications  
 Valuation Limitation  
 Voluntary Disclosure Agreements  
 Waiver on Assessments: See Assessment  
 Withholding  
 Employee Benefits  
 Exemptions  
 Personal Services Contracts (ITTA 1405.2)  
 Reciprocal Agreements  
 Other Rulings (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990 through 1995 are available for \$3.00 each. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

Margaret Forth  
 Legal Services Office  
 101 West Jefferson Street  
 Springfield, Illinois 62794  
 Telephone: (217) 782-6996

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## ALLOCATION

IT 96-0068 04/05/1996 General Information Letter: Section 307(b) of the Illinois Income Tax Act provides that to the extent items of estate or trust income or deduction not taken into account in computing the business income of an estate or trust are deemed to have been paid, credited or distributed by the estate or trust under Section 306 the respective shares of beneficiaries of the estate or trust, other than residents, in such items shall be taken into account by such beneficiaries in proportion to their respective shares of the distributable net income of the estate or trust for its taxable year, and allocated as if such items had been paid, incurred or accrued directly to such beneficiaries in their separate capacities.

## ALTERNATIVE APPORTIONMENT

IT 96-0086 05/10/1996 General Information Letter: Rather than reject the taxpayer's request we issued this General Information Letter explaining the procedures for requesting alternative allocation or apportionment so that the taxpayer may submit a petition conforming with those procedures.

IT 96-0088 05/20/1996 General Information Letter: Denial for a petition for separate accounting as an alternative method of apportionment.

## APPORTIONMENT - OTHER RULINGS

IT 96-0085 05/10/1996 General Information Letter: Section 304(a) of the Illinois Income Tax Act apportions to Illinois a fraction of the business income of a taxpayer which is equal to the average of three fractions: (1) the value of the taxpayer's real and tangible personal property used in business in Illinois; divided by the value of such property used everywhere in the business; (2) the Illinois payroll of the business, divided by total payroll; and (3) the Illinois sales of the business, divided by total sales. The sales factor is double-weighted in computing the average.

## APPORTIONMENT - SALES FACTOR

IT 96-0073 04/22/1996 Private Letter Ruling: Letter ruling IT 91-0076 is rescinded.

## BASE INCOME

IT 96-0070 04/11/1996 General Information Letter: Section 203(a) of the

## DEPARTMENT OF REVENUE

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Illinois Income Tax Act provides that base income in the case of an individual is equal to federal adjusted gross income subject to certain statutory addition and subtraction modifications.

IT 96-0071 04/11/1996 General Information Letter: Section 203(a) of the Illinois Income Tax Act provides that base income in the case of an individual is equal to federal adjusted gross income subject to certain statutory addition and subtraction modifications.

## BUSINESS INCOME

IT 96-0076 04/29/1996 General Information Letter: Business income is defined in Section 1501(a)(1) to mean: "income arising from transactions and activity in the regular course of the taxpayer's trade or business, net of the deductions allocable thereto, and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations. Such term does not include compensation or the deductions allocable thereto.

## COLLECTION

IT 96-0082 05/01/1996 General Information Letter: Section 1109 of the Illinois Income Tax Act grants the Department of Revenue the statutory authority to levy on employee wages.

IT 96-0094 06/25/1996 General Information Letter: According to Illinois law, under no circumstances shall any officer or employee of the Department of Revenue compromise any debt due to this State, except in case of actions of the Director after review by the board of appeals (see 20 ILCS 2505/39c).

## COMPOSITE RETURNS

IT 96-0084 05/09/1996 General Information Letter: Section 502(f) of the Illinois Income Tax Act provides that the Department may promulgate regulations to permit nonresident individual partners of the same partnership, nonresident Subchapter S corporation shareholders of the same Subchapter S corporation, and nonresident individuals transacting an insurance business under a Lloyds plan of operation, and nonresident individual members of the same limited liability company that is treated as a partnership under Section 1501(a)(16) of this Act, to file composite individual income tax returns reflecting the composite income of such individuals allocable to Illinois and

## DEPARTMENT OF REVENUE

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to make composite individual income tax payments.

## CONFIDENTIALITY

IT 96-0083 05/08/1996 General Information Letter: Section 917 of the Illinois Income Tax Act imposes strict sanctions upon the Department and its employees for the unauthorized release of confidential taxpayer information.

IT 96-0096 06/27/1996 General Information Letter: The confidentiality provisions of Section 917 of the Illinois Income Tax Act prevent disclosure of the information requested.

## CREDITS - OTHER RULINGS

IT 96-0075 04/26/1996 General Information Letter: Response to annual survey from the State of Virginia. Illinois does not have a reciprocal agreement with the State of Virginia.

## CREDITS - REPLACEMENT TAX INVESTMENT

IT 96-0092 06/11/1996 General Information Letter: Section 100.2101 of the Department's rules provides that property not fully expensed under Section 179 of the Internal Revenue Code would qualify for the credit based on the cost of the depreciable property reduced by the Section 179 deduction.

## ESTIMATED TAX

IT 96-0069 04/10/1996 General Information Letter: Pursuant to Section 803(a) of the Illinois Income Tax Act, every taxpayer other than an estate, trust, partnership, subchapter S corporation or farmer is required to pay estimated tax for the taxable year if the amount payable as estimated tax can reasonably be expected to be more than \$250 or \$400 for corporations.

## FOREIGN TAX - SEE CREDITS

IT 96-0080 05/01/1996 General Information Letter: Section 601(b)(3) of the Illinois Income Tax Act provides a credit against the Illinois income tax for the aggregate amount of tax which is imposed upon or measured by income and which is paid by a resident for a taxable year to another state or states on income which is also subject to Illinois income tax.

## PARTNERSHIPS

IT 96-0087 05/20/1996 General Information Letter: According to Section

761 of the Internal Revenue Code, co-owners of investment property may elect to be excluded from the partnership provisions one of which is a requirement to execute partnership returns. Unincorporated organizations used for investment only or for the joint production, extraction or use (but not the sale) of property under an operating agreement and unincorporated associations availed of by securities dealers for a short period for the purpose of underwriting, selling or distributing a particular issue of securities are eligible to make the election.

IT 96-0095 06/25/1996 General Information Letter: Generally, the starting point in measuring partnership income subject to Illinois income taxation is ordinary income or loss reported on line 22 of the federal partnership tax return. That amount is then subject to modification by the various addition and subtraction modifications set forth in Section 203(d) of the Illinois Income Tax Act.

## PUBLIC LAW 86-272/NEXUS

IT 96-0074 04/26/1996 General Information Letter: General discussion of income tax nexus principles.

## REFUNDS - STATUTE OF LIMITATIONS

IT 96-0067 04/04/1996 General Information Letter: Section 911(g) of the Illinois Income Tax Act provides that "if the claim for refund relates to an overpayment attributable to a net loss carryback as provided by Section 207, in lieu of the 3 year period of limitation prescribed in subsection (a), the period shall be that period which ends 3 years after the time prescribed by law for filing the return (including extensions thereof) for the taxable year of the net loss which results in such carryback, or the period prescribed in subsection (c) in respect to such taxable year, whichever expires later . . ."

IT 96-0078 04/30/1996 General Information Letter: Section 911(f) of the Illinois Income Tax Act provides that "no claim for refund based on the taxpayer's taking a credit for estimated tax payments as provided by Section 601(b)(2) or for any amount paid by a taxpayer pursuant to Section 602(a) or for any amount of credit for tax withheld pursuant to Section 701 may be filed more than 3 years after the due date, as provided by Section 505, of the return which was required to be filed relative to the taxable year for which the payments were made or for which the tax was withheld."



## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## REQUIREMENTS OF REQUESTS FOR PRIVATE LETTER RULINGS

IT 96-0072 04/12/1996 General Information Letter: The Department declined to issue a private letter ruling to a company currently under audit by the Department. Section 1200.110(a)(3)(C) of the Department's rules provides that the Department will decline to issue a private letter when the taxpayer is involved in an audit.

## RESIDENCY/NONRESIDENCY

IT 96-0066 04/04/1996 General Information Letter: Section 1501(a)(20) provides that the term "resident" means an individual who is in this State for other than a temporary or transitory purpose during the taxable year, or who is domiciled in this State but is absent from the State for a temporary or transitory purpose during the taxable year.

## RETURNS - OTHER RULINGS

IT 96-0079 04/30/1996 General Information Letter: Section 503(c) states that "a return or notice of a partnership, shall be signed by any one of the partners or, in the case of a limited liability company, by the manager or member. The fact that a partner's name is signed to a return or notice shall be prima facie evidence that such individual is authorized to sign such document on behalf of the partnership or limited liability company.

## SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONES

IT 96-0091 06/06/1996 General Information Letter: Section 203(a)(2)(J) of the Illinois Income Tax Act provides individuals a subtraction modification for an amount equal to those dividends included in adjusted gross income which were paid by a corporation which conducts substantially all of its business operations in an Enterprise Zone or zones.

## SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 96-0077 04/30/1996 General Information Letter: Section 203(a)(2)(F) of the Illinois Income Tax Act provides a subtraction modification for "an amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired

## DEPARTMENT OF REVENUE

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partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and the regulations adopted pursuant thereto.

IT 96-0090 05/29/1996 General Information Letter: Section 203(a)(2)(F) allows an individual to subtract an amount equal to all amounts . . . included in [federal adjusted gross income] as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit.

## TRUSTS

IT 96-0081 05/01/1996 General Information Letter: Section 1501(a)(20)(C) of the Illinois Income Tax Act provides that a trust created by a will of a decedent who at his or her death was domiciled in this State is an Illinois resident. Pursuant to IRTA Section 502(a)(2), a resident trust is required to file an Illinois income tax return if it is required to file a federal income tax return.

IT 96-0093 06/24/1996 General Information Letter: Pursuant to Section 301(c)(2) of the Illinois Income Tax Act the deduction for a charitable deduction by a non-resident trust may not be allocated to Illinois unless the deduction comes within the provisions of Section 302, 303 or 304 of the IRTA. If the charitable contributions cannot be allocated to any item of business or nonbusiness income, the charitable contribution deduction cannot be allocated to Illinois.

## WITHHOLDING - OTHER RULINGS

IT 96-0089 05/22/1996 General Information Letter: Section 701 of the Illinois Income Tax Act provides that generally, every employer maintaining an office or transacting business within this State and required under the provisions of 26 U.S.C. 3401 through 3404 to withhold and pay federal income tax on compensation paid in this State to an individual is required to deduct and withhold from such compensation for each payroll period, an amount computed in accordance with IRTA Section 701 and 702.

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act  
Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

## DEPARTMENT OF REVENUE

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Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 1996. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications  
 Bond Premium Amortization  
 Dividends  
 Interest  
 Net Operating Loss  
 Zero Coupon Bonds  
 Other Rulings (Not Included Above)  
 Administrative Review  
 Allocation  
 (For Alternative Apportionment Rulings, See That Heading)  
 Alternative Apportionment  
 Amnesty  
 Apportionment  
 Financial Organizations  
 Insurance Companies  
 Payroll Factor  
 Property Factor  
 Sales Factor  
 Transportation Services  
 Other Rulings (Not Included Above)  
 Assessment  
 Bankruptcy  
 Base Income  
 (Also See Addition Modifications, Fringe Benefits, Subtraction

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Modifications)  
 Books and Records  
 Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)  
 Business Income  
 Capital Gains (Losses)  
 (Also See Subtraction Modifications - Valuation Limitation)  
 Check Off Funds  
 Circuit Breaker  
 Claims for Refund: See Refunds  
 Collection  
 Combined Unitary Return  
 (Also See Unitary)  
 Commercial Domicile  
 Compensation  
 Composite Returns  
 Confidentiality  
 Credits  
 Coal Research and Utilization  
 Credit for Replacement Tax Paid  
 Credit for Residential Real Property Taxes  
 Enterprise Zone Investment  
 Foreign Tax  
 High Impact Business Investment  
 Jobs Tax  
 Replacement Tax Investment  
 Research and Development  
 Training Expense  
 Other Rulings (Not Included Above)  
 Deficiencies  
 Definitions  
 Domestic International Sales Corporations (DISC's)  
 Elections: See Combined Unitary Return, Extensions, Unitary  
 Enterprise Zones  
 (Also See Credits, Subtraction Modifications)  
 Erroneous Refund: See Refunds  
 Estates  
 Estimated Tax  
 Exempt Organizations  
 Exemptions  
 Extensions  
 Failure to File: See Penalties  
 Failure to Pay: See Penalties  
 Farmers: See Estimated Tax  
 Federal Returns  
 Fiduciaries  
 Financial Organizations: See Apportionment  
 Foreclosure

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Foreign Sales Corporations (FSC's)  
 Foreign Tax: See Credits  
 Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax Forms  
 Fraud: See Penalties  
 Fringe Benefits  
     IRC 125 "Cafeteria" Plans  
     IRC 401(k) Plans  
     Other Rulings (Not Included Above)  
 Gain (Loss): See Capital Gains (Losses), Valuation Limitation  
 Information Reports  
 Insurance Companies: See Apportionment  
 Interest Income  
     (Also See Addition Modifications, Subtraction Modifications)  
 Interest on Refunds and Deficiencies  
 IRC 338  
 Jeopardy: See Assessment  
 Judicial Review  
 Liens  
 Limited Liability Companies  
 Lottery  
 Medical Care Savings Accounts  
 Military  
     (Also See Subtraction Modifications)  
 Miscellaneous  
 Modification Addition: See Addition Modifications  
 Modification Subtraction: See Subtraction Modifications  
 Mutual Funds: See Subtraction Modifications  
 Net Income (Loss) and Net Loss Deduction (IITA 207)  
     (Also See Base Income, Capital Gains (Losses), Combined Unitary  
     Return, Net Operating Loss and Net Operating Loss Deduction,  
     Unitary)  
 Net Operating Loss and Net Operating Loss Deduction  
 Nexus: See Public Law 86-272/Nexus  
 Nonbusiness Income  
 Nonresidents: See Residency/Nonresidency  
 Notice and Demand: See Notices  
 Notices  
 Nuclear Decommissioning Trust  
 Overpayments: See Refunds (Also See Estimated Tax)  
 Partnerships  
 Payments  
 Payroll Factor: See Apportionment  
 Penalties  
     Failure to File (IITA 1001)  
     Failure to File Withholding Returns (IITA 1004)  
     Failure to Pay (IITA 1002)  
     Failure to Pay Estimated Tax (IITA 804)

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Fraud (IITA 1002)  
 Reasonable Cause (IITA 1001)  
 Underpayment of Tax (IITA 1005)  
 Other Rulings (Not Included Above)  
 Pensions  
     (Also See Subtraction Modifications)  
 Political Organizations  
 Professional Athletes  
 Property Factor: See Apportionment  
 Property Tax: See Subtraction Modifications  
 Protest  
 Public Law 86-272/Nexus  
 Rate of Tax  
 Real Estate Investment Trusts  
 Reasonable Cause: See Penalties  
 Refunds  
     (Also See Subtraction Modifications)  
     Statute of Limitations  
     Other Rulings (Not Included Above)  
 Regulated Investment Companies  
 Replacement Tax  
     (Also See Credits)  
 Requirements of Requests for Private Letter Rulings  
 Residency/Nonresidency  
 Returns  
     (For Combined Unitary Return and Composite Return Rulings See  
     Those Headings)  
     Amended Returns  
     Due Dates  
     Requirements to File  
     Short Period Returns  
     Other Rulings (Not Included Above)  
 S Corporations  
 Sales Factor: See Apportionment  
 Sales Outside the Ordinary Course of Business (Bulk Sales)  
 Seizure  
 Separate Accounting: See Alternative Apportionment  
 Signature  
 Specific Accounting  
 Statute of Limitations: See Assessment, Collection, Deficiencies,  
 Refunds  
 Subchapter 'S' Corporations: See S Corporations  
 Subpart F Income: See Subtraction Modifications  
 Subtraction Modifications  
     Bond Premium Amortization  
     Enterprise and Foreign Trade Zones  
     Health Insurance Premiums Paid by the Self-Employed  
     Illinois Tax Refund

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## Interest on U.S. Government Obligations

Military

Money Market Mutual Funds

Pensions

Qualified Pension Plans

Real Estate Taxes

Subpart F Income

Transportation Services

Valuation Limitation

Other Rulings (Not Included Above)

Taxability in Other States

Taxable Year

Transferees

(Also See Sales Outside the Ordinary Course of Business [Bulk Sales])

Transportation Services: See Apportionment

Trusts

Uniform Penalty and Interest Act

Unitary

(Also - See Combined Unitary Return)

U.S. Government Obligations: See Subtraction Modifications

Valuation Limitation

Voluntary Disclosure Agreements

Waiver on Assessments: See Assessment

Withholding

Employee Benefits

Exemptions

Personal Services Contracts (IITA 1405.2)

Reciprocal Agreements

Other Rulings (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990 through 1995 are available for \$3.00 each. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

## 3. Name and address of person to contact concerning this information:

Margaret Forth  
Legal Services Office  
101 West Jefferson Street  
Springfield, Illinois 62794  
Telephone: (217) 782-6996

## DEPARTMENT OF REVENUE

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## ALLOCATION

IT 96-0068

04/05/1996 General Information Letter: Section 307(b) of the Illinois Income Tax Act provides that to the extent items of estate or trust income or deduction not taken into account in computing the business income of an estate or trust are deemed to have been paid, credited or distributed by the estate or trust under Section 306 the respective shares of beneficiaries of the estate or trust, other than residents, in such items shall be taken into account by such beneficiaries in proportion to their respective shares of the distributable net income of the estate or trust for its taxable year, and allocated as if such items had been paid, incurred or accrued directly to such beneficiaries in their separate capacities.

## ALTERNATIVE APPORTIONMENT

IT 96-0086

05/10/1996 General Information Letter: Rather than reject the taxpayer's request we issued this General Information Letter explaining the procedures for requesting alternative allocation or apportionment so that the taxpayer may submit a petition conforming with those procedures.

IT 96-0088

05/20/1996 General Information Letter: Denial for a petition for separate accounting as an alternative method of apportionment.

## APPORTIONMENT - OTHER RULINGS

IT 96-0085

05/10/1996 General Information Letter: Section 304(a) of the Illinois Income Tax Act apportions to Illinois a fraction of the business income of a taxpayer which is equal to the average of three fractions: (1) the value of the taxpayer's real and tangible personal property used in business in Illinois; divided by the value of such property used everywhere in the business; (2) the Illinois payroll of the business, divided by total payroll; and (3) the Illinois sales of the business, divided by total sales. The sales factor is double-weighted in computing the average.

## APPORTIONMENT - SALES FACTOR

IT 96-0073

04/22/1996 Private Letter Ruling: Letter ruling IT 91-0076 is rescinded.

## BASE INCOME

IT 96-0070

04/11/1996 General Information Letter: Section 203(a) of the



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Illinois Income Tax Act provides that base income in the case of an individual is equal to federal adjusted gross income subject to certain statutory addition and subtraction modifications.

IT 96-0071

04/11/1996 General Information Letter: Section 203(a) of the Illinois Income Tax Act provides that base income in the case of an individual is equal to federal adjusted gross income subject to certain statutory addition and subtraction modifications.

## BUSINESS INCOME

IT 96-0076

04/29/1996 General Information Letter: Business income is defined in Section 1501(a)(1) to mean: "Income arising from transactions and activity in the regular course of the taxpayer's trade or business, net of the deductions allocable thereto, and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations. Such term does not include compensation or the deductions allocable thereto."

## COLLECTION

IT 96-0082

05/01/1996 General Information Letter: Section 1109 of the Illinois Income Tax Act grants the Department of Revenue the statutory authority to levy on employee wages.

IT 96-0094

06/25/1996 General Information Letter: According to Illinois law, under no circumstances shall any officer or employee of the Department of Revenue compromise any debt due to this State, except in case of actions of the Director after review by the board of appeals (see 20 ILCS 2505/39c).

## COMPOSITE RETURNS

IT 96-0084

05/09/1996 General Information Letter: Section 502(f) of the Illinois Income Tax Act provides that the Department may promulgate regulations to permit nonresident individual partners of the same partnership, nonresident Subchapter S corporation shareholders of the same Subchapter S corporation, and nonresident individuals transacting an insurance business under a Lloyds plan of operation, and nonresident individual members of the same limited liability company that is treated as a partnership under Section 1501(a)(16) of this Act, to file composite individual income tax returns reflecting the composite income of such individuals allocable to Illinois and

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to make composite individual income tax payments.

## CONFIDENTIALITY

IT 96-0083

05/08/1996 General Information Letter: Section 917 of the Illinois Income Tax Act imposes strict sanctions upon the Department and its employees for the unauthorized release of confidential taxpayer information.

IT 96-0096

06/27/1996 General Information Letter: The confidentiality provisions of Section 917 of the Illinois Income Tax Act prevent disclosure of the information requested

## CREDITS - OTHER RULINGS

IT 96-0075

04/26/1996 General Information Letter: Response to annual survey from the State of Virginia. Illinois does not have a reciprocal agreement with the State of Virginia.

## CREDITS - REPLACEMENT TAX INVESTMENT

IT 96-0092

06/11/1996 General Information Letter: Section 100.2101 of the Department's rules provides that property not fully expensed under Section 179 of the Internal Revenue Code would qualify for the credit based on the cost of the depreciable property reduced by the Section 179 deduction.

## ESTIMATED TAX

IT 96-0069

04/10/1996 General Information Letter: Pursuant to Section 803(a) of the Illinois Income Tax Act, every taxpayer other than an estate, trust, partnership, subchapter S corporation or farmer is required to pay estimated tax for the taxable year if the amount payable as estimated tax can reasonably be expected to be more than \$250 or \$400 for corporations.

## FOREIGN TAX - SEE CREDITS

IT 96-0080

05/01/1996 General Information Letter: Section 601(b)(3) of the Illinois Income Tax Act provides a credit against the Illinois income tax for the aggregate amount of tax which is imposed upon or measured by income and which is paid by a resident for a taxable year to another state or states on income which is also subject to Illinois income tax.

## PARTNERSHIPS

IT 96-0087

05/20/1996 General Information Letter: According to Section

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761 of the Internal Revenue Code, co-owners of investment property may elect to be excluded from the partnership provisions one of which is a requirement to execute partnership returns. Unincorporated organizations used for investment only or for the joint production, extraction or use (but not the sale) of property under an operating agreement and unincorporated associations availed of by securities dealers for a short period for the purpose of underwriting, selling or distributing a particular issue of securities are eligible to make the election.

IT 96-0095 06/25/1996 General Information Letter: Generally, the starting point in measuring partnership income subject to Illinois income taxation is ordinary income or loss reported on line 22 of the federal partnership tax return. That amount is then subject to modification by the various addition and subtraction modifications set forth in Section 203(d) of the Illinois Income Tax Act.

## PUBLIC LAW 86-272/NEXUS

IT 96-0074 04/26/1996 General Information Letter: General discussion of income tax nexus principles.

## REFUNDS - STATUTE OF LIMITATIONS

IT 96-0067 04/04/1996 General Information Letter: Section 911(g) of the Illinois Income Tax Act provides that "if the claim for refund relates to an overpayment attributable to a net loss carryback as provided by Section 207, in lieu of the 3 year period of limitation prescribed in subsection (a), the period shall be that period which ends 3 years after the time prescribed by law for filing the return (including extensions thereof) for the taxable year of the net loss which results in such carryback, or the period prescribed in subsection (c) in respect to such taxable year, whichever expires later . . ."

IT 96-0078 04/30/1996 General Information Letter: Section 911(f) of the Illinois Income Tax Act provides that "no claim for refund based on the taxpayer's taking a credit for estimated tax payments as provided by Section 601(b)(2) or for any amount paid by a taxpayer pursuant to Section 602(a) or for any amount of credit for tax withheld pursuant to Section 701 may be filed more than 3 years after the due date, as provided by Section 505, of the return which was required to be filed relative to the taxable year for which the payments were made or for which the tax was withheld."

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## REQUIREMENTS OF REQUESTS FOR PRIVATE LETTER RULINGS

IT 96-0072 04/12/1996 General Information Letter: The Department declined to issue a private letter ruling to a company currently under audit by the Department. Section 1200.110(a)(3)(C) of the Department's rules provides that the Department will decline to issue a private letter when the taxpayer is involved in an audit.

## RESIDENCY/NONRESIDENCY

IT 96-0066 04/04/1996 General Information Letter: Section 1501(a)(20) provides that the term "resident" means an individual who is in this State for other than a temporary or transitory purpose during the taxable year, or who is domiciled in this State but is absent from the State for a temporary or transitory purpose during the taxable year.

## RETURNS - OTHER RULINGS

IT 96-0079 04/30/1996 General Information Letter: Section 503(c) states that "a return or notice of a partnership, shall be signed by any one of the partners or, in the case of a limited liability company, by the manager or member. The fact that a partner's name is signed to a return or notice shall be prima facie evidence that such individual is authorized to sign such document on behalf of the partnership or limited liability company."

## SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONES

IT 96-0091 06/06/1996 General Information Letter: Section 203(a)(2)(J) of the Illinois Income Tax Act provides individuals a subtraction modification for an amount equal to those dividends included in adjusted gross income which were paid by a corporation which conducts substantially all of its business operations in an Enterprise Zone or zones.

## SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 96-0077 04/30/1996 General Information Letter: Section 203(a)(2)(F) of the Illinois Income Tax Act provides a subtraction modification for "an amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired

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partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and the regulations adopted pursuant thereto.

IT 96-0090

05/29/1996 General Information Letter: IITA Section 203(a)(2)(F) allows an individual to subtract an amount equal to all amounts . . . included in [federal adjusted gross income] as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit.

## TRUSTS

IT 96-0081

05/01/1996 General Information Letter: Section 1501(a)(20)(C) of the Illinois Income Tax Act provides that a trust created by a will of a decedent who at his or her death was domiciled in this State is an Illinois resident. Pursuant to IITA Section 502(a)(2), a resident trust is required to file an Illinois income tax return if it is required to file a federal income tax return.

IT 96-0093

06/24/1996 General Information Letter: Pursuant to Section 301(c)(2) of the Illinois Income Tax Act the deduction for a charitable deduction by a non-resident trust may not be allocated to Illinois unless the deduction comes within the provisions of Section 302, 303 or 304 of the IITA. If the charitable contributions cannot be allocated to any item of business or nonbusiness income, the charitable contribution deduction cannot be allocated to Illinois.

## WITHHOLDING - OTHER RULINGS

IT 96-0089

05/22/1996 General Information Letter: Section 701 of the Illinois Income Tax Act provides that generally, every employer maintaining an office or transacting business within this State and required under the provisions of 26 U.S.C. 3401 through 3404 to withhold and pay federal income tax on compensation paid in this State to an individual is required to deduct and withhold from such compensation for each payroll period, an amount computed in accordance with IITA Section 701 and 702.

## ILLINOIS HEALTH CARE COST CONTAINMENT COMMISSION

## JULY 1996, REGULATORY AGENDA

- a) Part(s) Heading and Code Citation(s): Data Collection (/ / Ill. Adm. Code 2510 et al.)

1) Rulemaking:

- A) Description: All Rules will be reviewed and purged of outdated citations; in addition language will be updated and revised as necessary to reflect changes occurring in the period from initial rule development to the present as well as House Bill 2587.

- B) Statutory Authority: Implementing and authorized by the Illinois Health Finance Report Act.

- C) Scheduled meeting/hearing date: Emergency Rules will be filed and the proposed rule changes will be reviewed in a public meeting of the Rules Committee of the Illinois Health Care Cost Containment Council (IHCCC) in October 1996. The proposed rules will also be reviewed in public by the Council at its October 1996 meeting.

- D) Date agency anticipates First Notice: First Notice is planned to be on October 1, 1996.

- E) Affect on small businesses, small municipalities or not for profit corporations: None.

- F) Agency contact person for information:

Norman Roughley  
4500 South Sixth Street Road  
Springfield, IL 62703  
(217) 786-7001, Ext. 108

- G) Related rulemakings and other pertinent information: Rules revisions are intended as a general cleanup and in response to the passage of House Bill 2587 in order to keep rules language current and applicable to the changing healthcare environment.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 10, 1996 through September 16, 1996 and have been scheduled for review by the Committee at its October 15, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/25/96	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	6/28/96 20 Ill Reg 8433	10/15/96
10/26/96	Department of Insurance, Construction and Filing of Accident and Health Forms (50 Ill Adm Code 2001)	4/5/96 20 Ill Reg 5284	10/15/96
10/26/96	Capital Development Board, Repeal of Definitions (71 Ill Adm Code 1)	7/26/96 20 Ill Reg 9735	10/15/96
10/26/96	Capital Development Board, Board Action (71 Ill Adm Code 10)	7/26/96 20 Ill Reg 9725	10/15/96
10/26/96	Capital Development Board, Repeal of Project Procedures (71 Ill Adm Code 20)	7/26/96 20 Ill Reg 9760	10/15/96
10/26/96	Capital Development Board, Standards for Awards of Grants Elementary and Secondary Schools Capital Assistance Program (71 Ill Adm Code 40)	7/26/96 20 Ill Reg 9764	10/15/96
10/26/96	Capital Development Board, Hearing Procedures (71 Ill Adm Code 100)	7/26/96 20 Ill Reg 9753	10/15/96
10/26/96	Capital Development Board, Repeal of Hearing Procedures (71 Ill Adm Code)	7/26/96 20 Ill Reg 9739	10/15/96
10/26/96	Capital Development Board, Asbestos	7/26/96	10/15/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

Date	Subject	Ill Reg
10/26/96	Abatement Authority Act Procedures (71 Ill Adm Code 500)	20 Ill Reg 9717
10/26/96	Capital Development Board, Repeal of Definitions (44 Ill Adm Code 900)	7/26/96 20 Ill Reg 9731
10/26/96	Capital Development Board, Bidder Responsibility (44 Ill Adm Code 950)	7/26/96 20 Ill Reg 9721
10/26/96	Capital Development Board, Access to Information (2 Ill Adm Code 1651)	7/26/96 20 Ill Reg 9710
10/26/96	Illinois Commerce Commission, Arbitration Practice (83 Ill Adm Code 761)	6/28/96 20 Ill Reg 8416
10/26/96	Illinois Commerce Commission, Approval or Rejection of Arbitrated Agreements (83 Ill Adm Code 762)	6/28/96 20 Ill Reg 8407
10/26/96	Illinois Commerce Commission, Approval of Negotiated Agreements (83 Ill Adm Code 763)	6/28/96 20 Ill Reg 8393
10/26/96	Illinois Commerce Commission, Approval of Statements for Generally Available Terms (83 Ill Adm Code 764)	6/28/96 20 Ill Reg 8395



Rules acted upon during the quarter of July 1 through September 30, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnatale@ccgate.sos.state.il.us](mailto:jnatale@ccgate.sos.state.il.us) (Internet address).

**PROPOSED**

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89-152-28  
89-153-28  
89-356-28  
89-407-33  
89-553-31,35  
92-1001-28

**PEREMPT.**

8-125-31,38

**ILLINOIS REGISTER**  
**ADMINISTRATIVE CODE ORDER FORM**

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.

\_\_1977-1978\_\_1979\_\_1980\_\_1981\_\_1982\_\_1983\_\_1984\_\_1985\_\_1986\_\_  
\_\_1987\_\_1988\_\_1989\_\_1990\_\_1991\_\_1992\_\_1993\_\_1994\_\_1995\_\_

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ANNUAL SUBSCRIPTION AND SUPPLEMENT TO THE ILLINOIS ADMINISTRATIVE CODE; PUBLISHED QUARTERLY @\$290.00

\_\_\_\_1996 CODE & 2 SUPPLEMENTS\_\_\_\_QUANTITY

TOTAL AMOUNT OF ORDER: \$\_\_\_\_\_

\_\_CHECK\_\_VISA\_\_DISCOVER\_\_CARD #:\_\_\_\_\_

EXPIRATION DATE:\_\_\_\_\_SIGNATURE:\_\_\_\_\_

(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:\_\_\_\_\_

\_\_\_\_\_  
(NAME, PLEASE TYPE OR PRINT)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

GEORGE H. RYAN  
SECRETARY OF STATE  
INDEX DEPARTMENT  
111 E. MONROE  
SPRINGFIELD, IL 62756

